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OF THE PUBLICK  
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In the Seventh Session of the Sixteenth Parliament of  
*Great Britain*, and in the Thirtieth Year of the  
Reign of our most Gracious Sovereign Lord King  
GEORGE the Third.

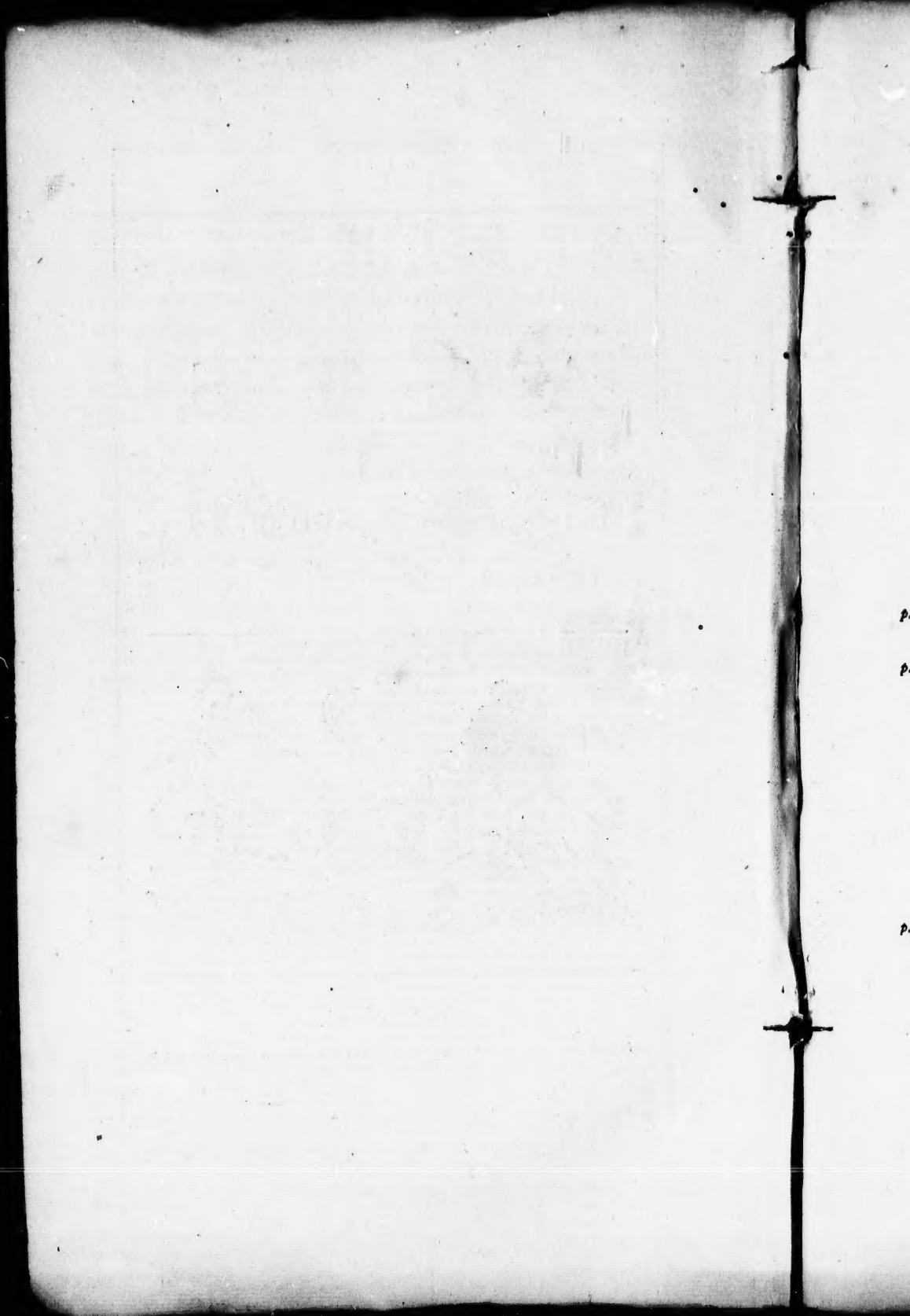


L O N D O N :

Printed by CHARLES EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1790.



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An ABSTRACT of an Act for indemnifying all Persons who have been concerned in advising or carrying into Execution certain Orders of Council, respecting the Importation and Exportation of Corn and Grain, and also certain Orders issued by the Governor General of His Majesty's Colonies in *America*; and for preventing Suits in consequence of the same, and for making further Provisions relative thereto.

Anno tricesimo GEORGII III. Regis.

C A P. I.

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HE Preamble recites an Order of His Majesty in Council, of 23 Dec. 1789, restraining the Exportation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Malt, Bread, Biscuit, Oats, Oatmeal, and Beans; with Permission nevertheless to put on Board any Ship any of those Articles to be carried Coastwise, (Security being given for the due landing thereof) or for the Sustainance of her Crew on her Voyage, or for victualling His Majesty's Navy, or for the Use of His Majesty's Forces, or Garrisons; and allowing the Importation of Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Oats, and Oatmeal, into *England, Wales, and Berwick upon Tweed*, on Payment of the Low Duties: It likewise recites an Order of Privy Council of 2d Jan. 1790, which ordered that all foreign Corn and Grain, and Flour and Meal, which had been imported and was then warehoused, or which should thereafter be imported and warehoused, should be allowed to be re-exported under the Regulations of an Act of 13 Geo. III, Cap. 43, *To regulate the Importation and Exportation of Corn*; and that all foreign Corn and Grain, and Flour and Meal, and also all *British* Corn, Grain, Pease, Beans, Malt, Flour, Oatmeal, Bread, and Biscuit, which were entered for Exportation, in the Port of *London*, before the Publication of His Majesty's Order in Council in the *London Gazette*, or which were entered for Exportation in the other

Ports of this Kingdom, before the Collectors of the Customs there had received that Order, should be allowed to be exported from this Kingdom; and the Ships then in the Port of *London*, which were laden with Wheat and Meal, Flour, Bread, and Biscuit, before the Publication of the said Order, and entered for His Majesty's Sugar Colonies in *America*, under the Regulations of an Act of 14 Geo. III, Cap. 5, *To allow the Exportation of Corn, Grain, and other Articles, to His Majesty's Sugar Colonies in America, &c.* should be allowed to proceed to their Ports of Delivery, and that the Ships then in the Port of *London*, which were laden with any other Sort of Corn and Grain, Pease, or Beans, ground or unground, Malt or Oatmeal, before the Publication of the said Order, or which were so laden in any other Port in this Kingdom, before the Collectors of the Customs at those Ports had received it, and were entered for His Majesty's Sugar Colonies in *America*, under the Regulations of the last recited Act, should be allowed to proceed to their respective Ports of Delivery: And also another Order of Privy Council of Jan. 8, 1790, which declared, that all Malt made for Exportation by Dec. 28, 1789, might be exported, if the Proprietor produced to the Collector or Chief Officer of the Customs at the Port of Exportation, a Certificate from the Excise Officer who surveyed the Making, that it was actually made for Exportation by that Day: It further recites an Order of His Majesty in

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Council, of Nov. 11, 1789, by which an additional Quantity of Grain or Flour, according to the Proportion established by Law, not exceeding 750 Quarters, was permitted to be shipped at *Southampton*, and exported to

p. 7. *Jersey*, for the Use of its Inhabitants, and the Troops stationed there, up to the 25th of Dec. following, on Security being given for the due landing thereof, and producing Certificates, agreeably to an Act of 14 Geo. III. To regulate the Importation and Exportation of Corn; which Order was followed by another of the 18th Nov. 1789, permitting an additional Quantity of Flour, not exceeding 300 Sacks, to be shipped at *Southampton* for *Guernsey*, for the Use of its Inhabitants and of the Troops stationed there, up to Dec. 25, on the above Conditions: It further recites an Order of Lord *Dorchester*, Governor of His Majesty's Colonies in *North America*, in 1789, which directed, that Flour, Meal, Biscuit, Rice, and Indian Corn, might be imported into *Quebec*, by Sea, from the United States of *America*, in *British* Bottoms navigated according to Law, to the Close of that Year's Navigation: And it states, that the several Orders aforesaid cannot be justified by Law, but were so much for the Service of the Publick that they ought to be justified by Act of Parliament; it is

p. 8. therefore enacted, That all Actions which have been or shall be prosecuted for any Thing done in Obedience to the recited Orders, shall be void; and if the Plaintiff, in any such Action commenced after Feb. 22, 1790, in *Great Britain*, or after July 1, 1790, in the Province of *Quebec*, shall become Nonsuit, or if a Verdict pass against him, the Defendant shall recover Double Costs.

p. 9. If any Action hath been already commenced, the Defendant may apply to the Court to stay all Proceedings, who shall comply therewith, and allow him Double Costs.

No Person shall export out of *Great Britain*, or lay on Board any Vessel with that Intent, any Wheat, Wheat-flour, Rye, Rye-meal, Barley, Barley-meal, Malt, Bread, Biscuit, Oats, Oat-meal, Pease, or Beans, under the Penalties herein-after mentioned; viz. the Commodities shall be forfeited, and every Offender shall forfeit 20*s.* for every Bushel of the above Articles, (except Bread and Biscuit), and 12*d.* for every Pound of Bread or Biscuit which shall be so exported, or laid on Board, and the Vessel, with her Tackle, shall be forfeited, and may be seized by any Officer of the Customs; One Moiety of which Penalties shall be to the King, and the other to the Prosecutor; and for Offences committed in *England*, the Penalties shall be recovered in any Court of Record at *West-*

*minster*; or where their Value shall not exceed 50*l.* they may be recovered at the Quarter Sessions for the Place where the Offence shall have been committed; and for Offences committed in *Scotland*, the Penalties may be recovered in the Courts of Session or Exchequer there; or where their Value shall not exceed 50*l.* they may be recovered at any Quarter Sessions, by Action in the Sheriffs or Stewards Court of the County or Stewartry where the Offence shall be committed; and the Master and Mariners convicted of having Knowledge of any such Offence, and assisting therein, shall be p. 11. imprisoned for Three Months.

But this Act shall not prohibit any of the Articles herein enumerated from being carried Coastwise, nor prohibit the Exportation of so much thereof as shall be necessary to be carried in any Vessel for the Diet of her Crew, or for the victualling of the Navy, or for His Majesty's Forces or Garrisons, or to *Gibraltar*, *St. Helena*, *Guernsey*, *Jersey*, *Alderney*, and *Man*, for the Use of the Inhabitants there; nor to prohibit the Exportation of the same to the *British* Forts or Factories in *Africa*, for the Support of the Persons residing therein, or for the Use of Vessels trading on that Coast that have been usually supplied with the same from *Great Britain*; nor to prohibit the Exportation of the same to *Newfoundland*, for the Benefit of the *British* Fishery there, or to *Hudson's Bay* in *North America*, for the Benefit of the *Hudson's Bay* Company, or to the Bay of *Honduras*, for the Use of the *British* Settlers there, of such Kinds only, and in such Quantities, and under such Conditions as are now directed respecting the Exportation of those Articles to the several Places aforesaid, by any Act now in Force.

Nor shall this Act prohibit the several p. 12. Articles herein-after expressed being exported from the Ports of *London*, *Bristol*, *Liverpool*, or *Glasgow*, to the Sugar Colonies in *America*, for the Use of the Inhabitants, so as the whole Quantity to be so exported before July 5, 1790, do not exceed the following Quantities; viz. 5,057 Quarters of Beans, 2,780 Quarters of Oats, 1,160 Quarters of Oatmeal, 815 Quarters of Pease, 167 Quarters of Rye, 285 Quarters of Wheat, and 8,922 Quarters of Wheat-flour; which Quantities shall be exported in such Proportions, from such of the before mentioned Ports, to such of the Sugar Colonies as shall be directed by the Committee of Privy Council for Trade and Plantations, and under the Conditions to which such Articles are subject by any Act for the Exportation of Grain to the Sugar Colonies in *America*.

Nor shall it prevent any foreign Corn, or Flour and Meal, warehoused agreeably to an Act

A. D. 1790.

C A P. I, II.

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Act of 13 Geo. III, *To regulate the Importation and Exportation of Corn*, from being exported, p. 13. nor any Foreign Corn, and Flour and Meal, nor any *British* Corn, Peas, Beans, Malt, Flour, Oatmeal, Bread, and Biscuit, entered or loaded for Exportation at *London*, before the Publication in the *Gazette*, or in the other Ports in *Great Britain*, before the Receipt at the Customs of the recited Order in Council, of Dec. 23, 1789, from being exported under the Conditions now required by Law.

This Act shall not prohibit the Exportation of such Malt as shall have been made for Exportation before Dec. 29, 1789, upon the Proprietor producing to the Collector of the Customs, at the Port of Exportation, a Certificate from the Excise Officer, that such Malt was actually declared or made for Exportation before Dec. 29, 1789. p. 14.

Nor shall it prevent the Vessels now in the Port of *London*, which were laden with Wheat and Meal, Flour, Bread, and Biscuit, before the Publication of the Order in Council of Dec. 23, 1789, in the *Gazette*, and which were entered for Exportation to the Sugar Colonies in *America*, from proceeding on their Voyages; nor hinder the Vessels now in the Port of *London*, laden with any other Sort of Corn and Grain, Peas or Beans, Malt or Oatmeal, before the like Publication of that Order; or Vessels laden in any other Port in *Great Britain* before the

Receipt at the Customs of such Order, and which were entered for His Majesty's Sugar Colonies in *America*, from proceeding on their Voyages under the Conditions required by Law.

Any Person may import into *England*, p. 15. *Wales*, or *Berwick upon Tweed*, any Wheat, Wheat Flour, Rye, Rye Meal, Barley, Barley Meal, Oats, and Oatmeal, Peas and Beans, on Payment of the Low Duties.

But when Wheat, or Wheat Flour, Rye, Pease, Beans, Barley, Beer, Bigg, or Oats, is imported on the Low Duties, into any of the Ports where the same, if imported at a Time when the higher Duties were payable, might have been warehoused under the joint Locks of the King and the Importer, the same may be so warehoused at the Port of Importation, and delivered out under the same Conditions as are provided in the recited Act of 13 Geo. III, respecting Corn secured under the joint Locks of the King and the Importer.

If any Wheat, or Wheat-flour, Rye, Pease, Beans, Barley, Beer, Bigg, or Oats, shall have been hitherto imported on Payment of the Low Duties, and warehoused under the joint Locks of the Officer of the Customs and the Importer, the same may be delivered under the Regulations of 13 Geo. III, Cap. 43. p. 16.

This Act shall continue in force until Sept. 29, 1790; and may be repealed in this present Session.

An ABSTRACT of an Act for granting an Aid to His Majesty by a Land Tax, to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and ninety.

Anno tricesimo GEORGII III. Regis.

C A P. II.

p. 20. IT is enacted, That the Sum of 2,037,627 l. 9 s. 0 d. 1 q. shall be raised in *Great Britain*; whereof 1,989,673 l. 7 s. 10 d. 1 q. Part of the said Sum, shall be raised in One Year, from March 25, 1790, in the several Counties of *England*, &c. according to the Proportions expressed in the Act.

p. 29. Towards raising the same, all Persons, Bodies Politick, &c. having Estates in ready

Money, or Debts, &c. or in Goods, Wares, Merchandizes, &c. or Personal Estates, (except such Sums as they *bona fide* owe, and desperate Debts, Stocks on Land, Household Stuff, and Loans or Debts owing from the King), are to pay 4 s. per Pound, according to the true yearly Value thereof, for One Year; and all Persons having any Publick Office or Employment of Profit (except Military p. 30. tary

tary Officers in the Muster-master General's Muster of the Army, or in Pay in the Army or Navy, in respect of such Offices only), and their Clerks, Agents, &c. are to pay 4 s. for every 20 s. they receive in One Year, for Salaries, Gratuities, Fees, &c.; and all Persons, Guilds, &c. having any Annuities, Pensions, Stipends, &c. out of the Receipt of the Exchequer, or any Branch of the Revenue of the Crown, (not issuing out of Lands, &c. otherwise charged, or out of Annuities, &c. exempt from Taxes by Acts of Parliament), are to pay 4 s. for every 20 s. by the Year, for every such Annuity, Pension, Stipend, &c.

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All Manors, Messuages, Lands, Tenements; and all Quarries, Mines of Coals, &c. Iron-works, Salt-springs, and Salt-works, and all Allom Mines or Works; or Parks, Chafes, &c. Fishings, Tithes, Tolls, Annuities, &c. and all Hereditaments of what Kind soever, and all Persons, Bodies Politick, &c. having any such Manors, &c. are to be charged with as much Equality and Indifference as possible, by a Pound-rate; so as the full Sum appointed be levied and paid into the Exchequer, by Four quarterly Payments, whereof the First Payment to be made by June 24, 1790.

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Manors, Messuages, &c. subject to Rent-charges, or Annuities, &c. or to the Payment of Fee-farm Rents, &c. where the true Owners of such Manors, Lands, &c. do not receive to their own Use the true yearly Value thereof, the Landlords, Owners, and Proprietors of such Manors, &c. being charged with a Pound-rate, may abate and deduct out of such Fee-farm Rents, &c. so much of the said Pound-rate assessed on the said Manors, &c. so as such Rent amount to 20 s. *per Annum*, or more; and all Persons intitled to such annual Payments shall allow such Deductions without Fee.

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For the better assessing and collecting the several Sums, to be raised and paid as aforesaid, and for the more effectual putting this Act in Execution, the Commissioners for the several Counties, Cities, Towns, Boroughs, &c. who are particularly named in the Acts of 26 and 27 Geo. III. duly qualifying themselves, shall, together with any Persons that may be appointed by any Act of this Session, be Commissioners for executing this Act.

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The Commissioners are to meet at the usual Places of Meeting, on or before April 30, 1790, and afterwards as often as it shall be necessary for putting the Act in Execution; and are to ascertain and set down in Writing the several Proportions which ought to be charged on every Hundred, &c. according to the Assessment on the Aid of 4 s. *per Pound*, 4 *H.* & *M.* and they may sub-

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divide themselves, so as Three or more be appointed for each Division; but not to restrain thereby the said Commissioners from acting in any other Part of the County.

Lists of the Commissioners Names, agreed on at the General Meeting to act in each Division, are to be delivered to the Receiver-general; and the said Commissioners are to cause the several Proportions charged on their respective Hundreds, &c. to be equally assessed; and for that End to summon fit Persons to be Assessors, requiring them to appear at a certain Place and Time, not exceeding Eight Days; and shall then give them a Charge with respect to the Execution of the Act: And the Persons so summoned absenting themselves, without lawful Excuse on the Oath of Two credible Witnesses, or refusing to serve, shall forfeit a Sum not exceeding 5 l. nor less than 40 s.: And Two of the most sufficient Inhabitants of each Parish are to be appointed Assessors of all the Rates by this Act imposed; and a Day and Place to be prefixed for the Assessors to bring in their Assessments, who are to assess the full Sum given them in Charge on all ready Money, Debts, Personal Estates, Offices, Annuities, &c. and by an equal Pound-rate, on all Manors, Lands, &c. and to bring with them a Certificate of the said Assessment, and to return the Names of Two or more able Persons to be Collectors of the Money assessed and to be paid by the Act; for whose paying in the same to the Receiver-general, or his Deputy, the Parish or Place where they are so employed must be answerable; and if any Assessor so appointed neglect or refuse to serve, or shall make Default at the Time appointed for his Appearance, not having a lawful Excuse, to be made out by the Oaths of Two credible Persons, he shall forfeit a Sum not exceeding 40 l. to be levied by Distress and Sale of the Offender's Goods, &c.: And, for completing the whole Sum charged, &c. the Assessors are to deliver a fair Copy of their Assessments, subscribed by them, to the Commissioners, within the Time prefixed, who are required to sign and seal Two Duplicates thereof, and deliver One of them to the Collectors, (whom the Commissioners are to nominate) with Warrant for collecting the same, so as the said several Sums may be paid to the Receiver-general at the Times limited: And the Commissioners are also required, at the same Time, to give the Collectors Notice at what Time and Place the Appeals of Persons aggrieved, by being over-rated, may be heard and determined; which Times of Appeal, so appointed, shall be at least 30 Days from the Time of signing and delivering the Duplicates to the Collectors; and every Collector is required, within Ten Days from the Receipt of the Duplicates from the

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p. 39. the Commissioners, to cause Notice to be given in every Parish Church, &c. within his District or Division, immediately after Divine Service on the Lord's Day, (if such Service shall be there performed within that Time), of the Time and Place appointed for hearing Appeals; and shall cause the like Notice to be fixed in Writing upon the Door of each Parish Church, &c. on the same Day, that all Persons over-rated may know when and where to make their Appeal; and the Collectors are also required, upon Application of any Person or Persons over-rated, to permit such Person or Persons, or their Representatives, to inspect the Duplicates or Assessments at any reasonable Time in the Day, without Fee or Reward; and every Person intending to appeal shall give Notice thereof in Writing to One or more Assessors of the Parish where he is rated, that the Assessor, if thought proper, may then attend to justify the Assessment: And all Appeals once heard and determined by Three or more Commissioners, on the Days appointed for hearing Appeals, shall be final, without any further Appeal: And the Commissioners are required to deliver a Duplicate in Parchment, by them signed and sealed, containing the Sum assessed on each Parish, &c. and also the Christian and Surnames of the Assessors and Collectors, to the Receiver-general, and to cause a like Duplicate to be transmitted to the Remembrancer's Office, &c. on or before August 8, 1790, or within 20 Days after, (all Appeals being first determined), for which Duplicates the Remembrancer, or his Deputy, shall give a Receipt gratis, under Penalty of 10*l*.

p. 40. The Collectors are to levy all the Rates so charged, and demand the Assessments of the Parties themselves, or at the Place of their last Abode, or upon the Premises charged, and to pay the same to the Receiver-general, or his Deputy, at such Time and Place as the Commissioners shall appoint, so as the whole Sum due for each quarterly Payment be paid at the Time appointed by the Act.

The Money received by the Collectors shall be duly paid to the Receiver-general, or his Deputies appointed under his Hand and Seal, of whom he shall give Notice to the Commissioners within 10 Days after the next General Meeting, and so within 10 Days after the Death or Removal of any Deputy; and the Receipt of the Receiver-general, or his Deputy, (the same to be given gratis), shall be a sufficient Discharge to the Collectors, &c.; and the Collectors are not obliged to travel above 10 Miles from their Habitations for the Payment of the Monies.

If any Receiver-general shall die, or be removed, or any Receiver-general for the last Aid be not appointed for the present,

Notice thereof shall be given to the Commissioners for Taxes, or Two acting Commissioners for each Division, before the Time of the First quarterly Payment; and so at any Time upon the Death, &c. of any Receiver-general.

The Sum of 497,418*l*. 6*s*. 11*d*. and 9-16th Parts of a Penny, for the First quarterly Payment, shall be paid to the Receivers-general by June 24, 1790; the Second Payment by Sept. 29, 1790; the Third Payment by Dec. 25, 1790; and the last Payment by March 25, 1791; each Payment consisting of the like Sum with the first. p. 42.

The Receivers-general, within a Month after receiving the full Sum charged on any Hundred or Division, for each particular Payment, are to give the Commissioners a Receipt, which shall be a full Discharge to such Hundred, &c. for the same: And the Receivers-general, within 20 Days after, shall pay the Money into the Receipt of the Exchequer; and the Commissioners of the Treasury, &c. may allow them 2*d*. in the Pound on clearing their Accounts.

The Collectors, on Payment of the whole Sum appointed by this Act, may detain 3*d*. in the Pound for their Pains; and the Receivers-general shall allow (by Warrant from the Commissioners) Three Halfpence in the Pound to the Commissioners Clerks, for fair writing the Assessments, Duplicates, &c. Which Clerks shall be appointed by a Majority of the acting Commissioners at each respective Meeting. p. 43.

Difficulties frequently happening to the Commissioners upon the Death of their Clerks, into whose Custody Duplicates of the Books of Assessment, &c. have been delivered, the Administrators of such Clerks frequently refusing to deliver over such Duplicates, &c. to the Commissioners, under Pretence that the Commissioners have no Property in the same; it is enacted, That all Duplicates of the Books of Assessments, &c. which have been delivered by the Assessors to the Commissioners, or their Clerks for the Time being, or which shall be in the Custody of such Commissioners, on their being removed from such Office, or in the Custody of the Executors or Attorney of such Persons who have died, are hereby declared to be the Property of the said Commissioners, acting in such Place for the Time being in Succession, as Records for their Use, and shall be deposited with them and their Clerks, or with such other Person as the said Commissioners shall appoint. p. 44.

All Persons having in their Custody such Books as aforesaid, shall deliver up the same, within the Space of One Calendar Month next after receiving Notice in Writing, signed by Three of the said Commissioners, to such Persons



Persons as they shall appoint, whose Receipt shall be a sufficient Discharge: And if they shall refuse so to deliver the same within the said Time limited, they shall forfeit the Sum of 50 *l.* One Moiety whereof to be paid to the Receiver-general of the County wherein such Offence shall be committed, to be applied in Aid of the Land Tax, and the other Moiety to the Person who shall sue for the same, and shall, with Costs of Suit, be recovered, by Action of Debt, or Information, in any of His Majesty's Courts of Record at *Westminster*, &c.

p. 46. In case of Nonpayment, Collectors may, without any further Authority than the Warrant of their Appointment, levy by Distress and Sale of Goods, after keeping the same Four Days at the Owners Charge: And if the Assessment shall not then be paid, the said Distress shall be appraised by Two or more Inhabitants, or other sufficient Persons, and sold by the Collectors; and the Overplus, after all Charges deducted, is to be returned. Moreover, it shall be lawful to break open Houses in the Day-time, and, upon Warrant under Two Commissioners Hands, any Chest, Trunk, &c. calling the Constables to their Assistance, &c.; and where Differences happen on taking such Distresses, the Commissioners shall determine the same: And if any Person refuse to pay the Assessment by the Space of 10 Days after Demand, or convey away his Goods, &c. any Two Commissioners may commit such Person (unless a Peer or Peerefs of *Great Britain*) to the Common Gaol, until Payment be made. Tenants are to pay the Tax, and deduct the same out of their Rents; and Landlords are to allow such Deductions.

Tenants paying the Assessment shall be discharged for what they so pay; and on Differences arising between Landlord and Tenant, or others, concerning the Rates, Two or more Commissioners are to settle the same. p. 48. And in case the Proportion set on any County, City, &c. be not fully assessed and paid; or if the said Assessments be imposed on Persons not able to pay the same, or on any empty House, or Land, where the same cannot be levied, or that through any Willfulness, Neglect, or other Accident, the same happens not to be paid to the Receiver-general, or his Deputy; then the Commissioners, &c. are to re-assess the respective Divisions, &c. as shall seem most agreeable to Equity and Justice; such Re-assessment to be made and collected, &c. in such Manner as in the Act for other Assessments is declared.

Assessors, Collectors, &c. not performing their Duty in the Execution of the Act, or being guilty of any Fraud, &c. in executing the same, may be fined by the Commissioners

in a Sum not exceeding 40 *l.*; which Fine p. 49. shall not be taken off but by the said Commissioners Consent, &c. and shall be levied by Distress, or Imprisonment of the Offender, (not being a Peer or Peerefs), and be paid to the Receivers-general, and by them into the Exchequer, and inserted in the Duplicates.

Collectors detaining the Monies by them received, or neglecting or refusing to pay as the Act directs, are to be imprisoned, and their Estates seized; and the Commissioners, at a General Meeting, whereof publick Notice is to be given at least Six Days before, may (in case the Monies so detained be not paid) sell such Collector's Estate, and pay the Receiver-general the Sum detained. p. 50.

Inhabitants of many Parishes having suffered by the Frauds and Insolvency of Collectors, it is enacted, That Collectors shall give Security to the Amount of the whole Rate to be collected by them; provided any p. 51. Person can be found within the District willing and able to give such Security.

The Commissioners, at the Expiration of the Times of the quarterly Payments, are to call before them the Collectors of their respective Divisions, and examine them on Oath whether the Money charged on each Division, &c. be fully collected and returned to the Receiver-general, and by them paid into the Exchequer; and in case of Failure, may cause the same forthwith to be levied and paid.

If any Controversy arise concerning the Assessments, which concerns any of the Commissioners, whether in their own Right, or as Steward, Agent, Attorney, or Solicitor, p. 52. to any other Person, such Commissioners shall withdraw during the Debate; and in Default, may be fined, not exceeding 20 *l.* to be levied and paid as other Fines; and all Questions and Differences arising touching the said Rates shall be finally determined by the Commissioners.

No privileged Place or Person, Body Politick or Corporate, shall be exempt from the Assessments; nor Fee-farm Rents, &c. but Tenants are to pay them proportionably, as is appointed by the Act, and they shall be saved harmless thereby.

Nothing in this Act shall extend to charge p. 53. any College or Hall in either of the Two Universities of *Oxford* or *Cambridge*, or the Colleges of *Windor*, *Eaton*, *Winton*, or *Westminster*, or the Corporation for Relief of the poor Widows and Children of Clergymen, or *Bromley* College, or any Hospital, for or in respect of the Scites thereof, &c. or any Master, Fellow, Scholar, or Exhibitioner, Reader, Officer, or Master of the said Universities, Colleges, or Halls, or any Masters, &c. of Schools, for their Stipends, Wages, &c.;

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£c.; nor to charge the Houses or Lands which, on *March 25, 1693*, did belong to any College or Hall, or to *Christ's Hospital, St. Bartholomew's, Bridewell, St. Thomas's, or Bethlehem Hospitals*, or the Corporation for Relief of Clergymen's Widows, or to *Bromley College*, or any other Hospital, £c. in respect only of the Rents which were payable to them on the said *March 25, 1693*, being received and disbursed for the immediate Relief of the Poor thereof only.

- p. 54. No Tenants to Hospitals, £c. shall claim any Exemption by the Act, but shall be assessed for so much as the Lands and Houses are yearly worth above the reserved Rents.

Tenants to Colleges, Hospitals, £c. who are obliged by their Leases to pay Taxes, are still to pay the same.

In case of any Question how far any Lands or Tenements, belonging to any Hospital or Alms-house, not exempted by Name in the Act, ought to be charged, the same is to be finally determined by Three or more Commissioners.

Lands or Rents belonging to any Hospital or Alms-house, £c. which were assessed *Anno 4 W. & M.* are to be charged to the present Act, but no other.

- p. 55. Auditors, Reeves, Receivers, £c. of Fee-farm Rents, or other Chief Rents due to His Majesty, or to Persons claiming under the Crown, are to allow 4s. in the Pound to the Parties paying the same, for every Pound of the said Rents, and a proportional Rate for every greater Sum than 10s. without Fee, on Penalty of 20l. If any Auditor, £c. set *in super* any Tenant, £c. for any Sum which ought to be allowed by the Act, or shall not allow the same, he shall forfeit 100l. to the Party grieved, and be incapable to enjoy his Office, or any Place of Trust under His Majesty.

- p. 56. Such Fee-farm Rents only shall have an Allowance of 4s. per Pound, as are answerable to His Majesty, or have been purchased from the Crown, according to the Acts of the 22d and 23d Car. II. and which were not, on or before *March 25, 1693*, payable to any College, Hospital, Reader in either University, or other Persons before exempted by this Act; provided such Allowance exceed not the Sum assessed on the whole Estate out of which the purchased Rents issue; and the Owners and Receivers, on Payment of such Rents, are to allow 4s. for every 20s. of the said Rents, and so in Proportion for any Sum not less than 10s. to the Parties paying the same.

Officers of the Exchequer, and other publick Offices, are to deliver to the Assessors, *gratis*, true Lists of all Pensions, Annuities, or other annual Payments, and of all Fees, Salaries, £c. payable at the said Receipt,

£c. And the Tax on all such Pensions, Annuities, £c. payable at the Exchequer, or any other publick Office, £c. may, in case of Nonpayment, be stopped out of the same, £c. and the proper Officers are to keep true Accounts of all Monies so stopped, and give the proper Collectors Copies thereof.

p. 57.

Any Person inhabiting in London, or any other City, or Town-corporate, and having Goods or Merchandizes in One or more Parishes or Wards within the same, is to be taxed for such Goods in the Parish where he dwells, and not elsewhere.

No Clause or Proviso in this Act shall lessen the full Sum appointed to be paid:

Nor be construed to alter or make void any Contract between Landlord and Tenant, or others, touching the Payment of Taxes.

All Places, £c. which have been used to be taxed, are to pay in such County, Hundred, £c. where usually assessed, and not elsewhere.

p. 58.

Provided nevertheless, That *West Barnfield* Hundred may be assessed in the Lath of *Skray*, in *Kent*; *Northmore* Tything in the Hundred of *Bampton*, *Com' Oxon*; *Charlbury, Fallar, and Finslock* Tythings, in the Hundred of *Chadlington*, in the said County; the whole Town and Parish of *Leeds*, in the Hundred of *Skyrack*, *Com' Ebor*; the Parish of *Omberley* in the Lower Division of *Oswaldstow* Hundred, *Com' Worcester*; the Parish of *Aldemaston*, in the Eastern Division of *Oswaldstow* Hundred, in the said County; the Parishes of *Yardley, Hanbury, and Stoke Prior*, in *Bromsgrove* Division of *Halfshire* Hundred, in the said County; and the Parish of *Church Lench*, and that Part of the Parish of *Crowle* which is now assessed in the *Bromsgrove* Division of *Halfshire* Hundred, in the *Perthore* Division; and the Forest of *Chute* shall pay where it was assessed for the first 4s. Aid, granted to the late King *William* and *Queen Mary*; and the Parish of *Upton upon Severn*, *Com' Worcester*, formerly taxed in the Lower Division of *Oswaldstow* Hundred, may for the future, if the Commissioners think fit, be taxed in the Lower Division of *Perthore* Hundred, in the said County; and the Rivers *Calder* and *Ayre*, One Moiety at *Wakefield*, and the other at *Leeds*.

p. 59.

Inhabitants and Occupiers of Apartments and Buildings within and belonging to the Palace of *Somerfet House*, are to pay in Proportion to the Rates assessed upon the Lands and Buildings within the Liberty of the Duchy of *Lancaster*, in the *Strand*, within which it has been usually rated; and the same Powers and Remedies shall be made use of for assessing and levying thereof, as by the Act is given for assessing and levying the Rates thereby to be raised.

Persons

Persons sued for what they do in pursuance of the Act may plead the General Issue, and give the Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, &c. the Defendant shall recover Treble Costs.

Where Lands or Houses are unoccupied, and no Distress can be found, (by reason whereof the Parish or Place is forced to make good the Tax), the Collectors, at any Time after, may enter and distrain; and such Distress, if not redeemed within Four Days, may be sold, and the Money distributed proportionably to the Parties who contributed to the Tax of such unoccupied Lands or Houses.

Where Woodlands are assessed, and no Distress can be had, the Collectors or Constables, &c. by Warrant from any Two or more Commissioners, may, at seasonable Times of the Year, cut and sell so much Wood (Timber Trees excepted) as will pay the Tax and Charges; and the Persons buying the said Wood may fell and carry it away, returning the Overplus (if any) to the Owner.

Where any Tax on Tithes, Tolls, Profits of Markets, &c. shall not be paid within Six Days after Demand, the Collector or Constable, &c. by Warrant may seize and sell so much of the said Tithes, Tolls, &c. as shall be sufficient for levying the said Tax, and all the Charges occasioned thereby, rendering the Overplus.

Any Receiver-general returning any Money to be in arrear, or setting *in super* in the Exchequer any Person or Place which hath paid the Tax, is liable to forfeit Treble Damages to the Party vexed, and to His Majesty Double the Sums so returned.

The Commissioners are to assess the Assessors within their Divisions; and all the Sums assessed upon the Assessors, and the Assessments made by them, are to be written, estimated, and levied, according to the true Intent of this Act.

No Person may be compelled to be an Assessor or Collector out of the Limits of the City or Borough, &c. where he inhabits.

Assessments on Houses inhabited by Ambassadors or foreign Ministers are to be paid by the Landlords.

In all privileged and extraparochial Places, and in all Parishes where Two able and sufficient Inhabitants cannot be found, the Commissioners are to appoint Two or more Assessors living in or near the said Places, and also Two or more Collectors, who are to collect and pay the Monies as the Act directs.

No Commissioner, Assessor, or Collector, employed in the Execution of this Act, shall be liable thereby to any Penalties, other than such as by this Act are inflicted.

No Commissioner shall be capable of acting (unless in the Administration of Oaths) till he hath taken the Oaths appointed by Two Acts; One made in 1 Geo. I. *For the further Security of His Majesty's Person*, &c. and the other made in 6 Geo. III. *For altering the Oath of Abjuration, and the Assurance*, &c.; and likewise, if required, an Oath specifying in Writing the Particulars of the Premises under which he acts, which any Two of the Commissioners may administer.

Any Person presuming to act as a Commissioner, before he hath taken the said Oaths, shall forfeit 200 l.

Persons rated for Offices or Employments, are to pay where the same are exercised.

The Master of the Rolls, &c. and all the Chancery Officers within the Liberty of the Rolls, shall be there assessed for their Offices, Salaries, &c.; and the Master in Chancery, Six Clerks, and Registers, shall be Commissioners for executing this Act within the said Liberty; and all Annuities, Stipends, &c. payable to any Officers in respect of their Offices, shall be assessed only where such Officers are rated and assessed for their Offices; and all other Pensions, Stipends, and Annuities, not charged on Lands, are to be charged in the Parishes where they are payable; and Persons rated for personal Estates, at such Place where resident at the Execution of the Act; so likewise shall Persons not being Householdors, or not having a certain Place of Residence, be taxed; but Persons out of the Realm, who ought to be taxed for personal Estates, shall be rated where they last abode within this Realm.

Persons having Goods, &c. in any County, other than in the County where resident, such Goods, &c. shall be assessed before 24 August 1790, in the County where the same shall be; and the Persons rated for Manors, Lands, &c. shall be assessed in the Places where they lie.

Persons doubly charged in respect of several Places of Residence, upon Certificate of Two Commissioners, and Oath made thereof before any Justice of the County or Place, are to be discharged for so much as is certified.

The Act shall not extend to Scotland, Ireland, Jersey, or Guernsey, for assessing any personal Estate in those Places; Persons who, by changing their Residence, &c. escape the Taxation, on Proof before any Two of the Commissioners, or One or more Justices of the Peace of the County where they dwell, within One Year next after such Tax made, are to be charged at Treble the Value; to be levied by Distress, on Certificate made thereof into the Exchequer, by the Commissioners or Justices before whom such Proof is made.

Houle.

p. 67. Householdors are to give to Assessors, on Demand, an Account of the Names and Qualities of Persons who sojourn or lodge in their Houses, on Penalty of 5l.

Shares in the *New River, Thames, Mary-bone, or Hampstead Waters, &c.* Offices of Insurance from Fire, or in any Lights, and Stock in the King's Printing-house, are to pay 4s. in the Pound of the full yearly Value thereof: And all Companies of Merchants in London, the Bank of England, and all Salaries and Pensions taxable in London, and payable at the Post Office, or Excise Office, are to be assessed by the Commissioners for London, and be paid by the Governors, Treasurers, &c. of the said River Waters, &c. and of the said Offices and Stocks, and be deducted out of their next Dividends: And

p. 68. Persons having any Office in the Ward of London where the Post Office is situate, shall be there assessed for their Salaries.

The Governors, Treasurers, or Receivers, of the said River-waters, Waterworks, Offices, or Stocks, not paying the Sums whereat they shall be assessed, the Collectors are to levy the same by Distress and Sale of the Goods and Chattels jointly belonging to, or held in Trust for, the Persons having Shares or Interests therein, rendering the Overplus, after deducting the Charges of the Distress and Sale.

Every Papist, or Person so reputed, of 18 Years, or upwards, who shall not have taken

p. 69. the Oaths of 1 W. & M. shall pay double:

But if he takes the said Oaths (which Two Commissioners may administer) within 10 Days after the First Meeting of the Commissioners, he shall not be liable to such double Assessment.

Every Person of 18 Years of Age, or upwards, not having taken the Oaths, and who shall, upon Summons of the Commissioners, refuse to take the same at the Time appointed, or shall neglect to appear, is to pay Double.

p. 70. The Commissioners are to summon all Persons whom they are informed against, or have Cause to suspect, to take the Oaths above directed.

Quakers subscribing the Declaration of Fidelity contained in an Act of 1 W. & M. administered by any Two Commissioners, are not to pay Double.

If Assessors neglect their Duty in making double Assessments on Papists, or other Persons, for not taking the Oaths, the Commissioners are to cause such Papists, or other Persons, to be doubly charged, according to the true Intent and Meaning of the Act.

p. 71. Where Owners of Lands, &c. shall be liable to be doubly charged, as Papists, for not taking the Oaths, such Owners only are to be so charged, and the Tenants discharged.

The King's Bench Prison, with the Lands, &c. and the Prison-house, Lands, &c. of the Marshalsea, with the Perquisites and Profits of the Marshalsea Court and Prison, and Judges of the said Court, and all Counsellors and Attornies practising there, are to be assessed in St. George's Parish in Southwark, and not elsewhere.

If the Officers of the said Prisons shall neglect to pay the Sums assessed upon them, any Two of the Commissioners for Surrey may certify the same, under their Hands and Seals, to the Commissioners where such Officers reside; who are to empower the Collectors there, by Warrant, to distrain, and keep the Distress Four Days, and then appraise and sell the same, if the Money be not sooner paid; the Monies arising by such Sale shall be paid to the Collectors of St. George's Parish, and the Surplus returned to the Owner, after Charges deducted; and for Want of Goods sufficient, such Officers may be imprisoned without Bail, until Payment of the Assessment and Charge of Prosecution.

The Prison-house, Lands, &c. of the Fleet Prison, and the Rents, Profits, &c. of the Warden of the Fleet, are to be charged in St. Bride's Parish, London, and not elsewhere.

Officers of the Dock-yard of Stoke Damerel, near Plymouth, are to be assessed for their Salaries, &c. in Plymouth, in the same Proportion as the Town of Plymouth was assessed in 1693.

Officers of the Hospital at East Stonehouse, are to be assessed for their Salaries, and other Profits of their Places, in Plymouth, where their Salaries were assessed in 1759, and not elsewhere; so as the full Proportion assessed on the Town and Borough of Plymouth in 1759 be again assessed thereon; and so as the Parish of East Stonehouse be not charged with a greater Proportion in respect of the said Salaries and Profits than they were in the said Year.

Out of the Sum to be assessed on the Officers of the said Hospital, there shall be paid to the Collectors, in Aid of the Assessment to be laid on the Parish of East Stonehouse, the Sum of 20l.

The Commissioners and Officers of the Stamp Office shall be assessed for their Salaries in Shire Lane Ward, in the Division of St. Clement Danes and St. Mary le Strand, as heretofore, which shall neither diminish the usual Assessment of that Division, nor augment that of the Division or Place to which that Office may be removed: But One Fourth of the Sum assessed on those Salaries in 1785, shall be paid to the Collectors for the District to which the Stamp Office may be removed; and the Whole of the Land Tax for all additional Offices created since

Dec.



p. 75. Dec. 25, 1785, or which may be hereafter created, to be applied in Aid of that District.

The Commissioners and Officers of the Victualling Office shall be assessed for their Salaries in the Manor of *East Smithfield*, in the *Tower* Division, as heretofore, which shall neither diminish the usual Assessment of that Manor, nor augment that of the District or Place to which that Office may be removed: But One Fourth of the Sum assessed on those Salaries in 1785, shall be paid to the Collectors for the District to which the Victualling Office may be removed, and the Whole of the Land Tax for all additional Offices created since Dec. 25, 1785, or which may hereafter be created, to be applied in Aid of that District.

p. 76. The Commissioners and Officers of the Navy Pay Office, and Navy Office, shall be assessed for their Salaries in the Wards of *Broad Street* and *Tower* respectively, as heretofore, which shall neither diminish the usual Assessment of those Wards, nor augment that of any Division or Place to which those Offices may be removed: But One Fourth of the Sum assessed on those Salaries in 1785 shall be paid to the Collectors for the District to which the Navy Pay Office, and Navy Office, may be removed; and the Whole of the Land Tax for all additional Offices created since Dec. 25, 1785, or which may be hereafter created, to be applied in Aid of that District.

p. 77. The Waterworks in *Southwark* are to be assessed by the Commissioners for the County of *Surrey*, and according to the clear yearly Profits thereof.

The Waterworks in *Westminster* are to be assessed by the Commissioners for the City and Liberty of *Westminster*.

Offices and Places assessed in the Palaces of *Whitehall* and *St. James*, in the Years 1703 and 1704, or either of them, (except such as are exempted by this Act), shall be there assessed, and not elsewhere.

p. 78. One Half of the Amount of the Pension List shall be assessed in the Palaces of *Whitehall* and *St. James*; and the other Half shall be assessed with the Offices executed in *Westminster Hall*.

Collectors for the Waterworks in *Colchester* are chargeable with the Payment of the Tax assessed on the Profits thereof by this Act; and shall be allowed the same in their Accounts by the Proprietors for the Time being.

p. 79. Receivers of the Profits of the Waterworks in *New Windsor*, in the County of *Berks*, are to be charged with the Tax assessed on the said Profits, &c.

Patent Officers of any of the Bishopricks in *England* and *Wales* are to pay where assessed in 1693.

The Proportion to be laid upon that Part of *St. Andrew Holborn*, which is in *Middlesex*, shall be equally raised therein, without being subdivided, or distinguished between that Part above and that below the Bars; and in the Subdivisions of Commissioners, a Number shall be appointed to act accordingly.

The Parish of *St. George Hanover Square*, within the City and Liberties of *Westminster*, shall be charged with a distinct Quota separate from the Parish of *St. Martin in the Fields*; and if any Controversy shall arise among the Commissioners concerning the Quota, and the apportioning thereof out of the joint Quota p. 80. of the Two Parishes, the Commissioners who are Inhabitants, or have any Concern in either of the Parishes, shall have no Vote, but are to withdraw at the Time of the Debate, till it be determined; and in Default, the other Commissioners then present may fine them not exceeding 20 l.

The Parishes of *St. John, St. Peter*, and *Berchington*, in the *Ile of Thanet*, within the Liberty of *Dover*, shall be taken as a distinct Division within the said Liberty, and be charged towards making up the whole Sum assessed on *Dover* Liberty, according to the Assessment 4 W. & M.: And all Commissioners, Collectors, &c. are required to apply themselves with all Diligence to the speedy Execution of this Act, so that His Majesty's Service be not delayed.

No poor Person shall be liable to the Pound-rate, whose Lands, &c. are not of 20 s. per Annum Value. p. 81.

If any Collector shall keep the Money in his Hands beyond the Time limited, or pay it to any other than the Receiver-general, or his Deputy, he shall forfeit a Sum not exceeding 40 l. nor less than 5 l. to be levied by Distress, as in Cases of the like Nature; and any Receiver-general, or his Deputy, paying the same other than into the Exchequer, and at or within the Times limited by the Act, shall forfeit 500 l.

Commissioners of the Treasury, &c. shall p. 82. not direct any Warrant, &c. for Payment of the Monies hereby given, other than into the Exchequer; nor shall the Officers of the Exchequer strike any Tallies of *Pro* or Anticipation upon the same, nor the Tellers charge themselves with any of the said Money, till they actually receive the same.

No Stay of Prosecution, &c. shall be had or allowed by any Court, for the Recovery of any Penalty by this Act inflicted, or for the Conviction or Disability of any Person offending against it.

If any Manors, Lands, &c. shall be assessed at more than an equal Pound-rate, the Commissioners, upon Complaint and Proof thereof upon Oath, may abate so much thereof, and p. 83. reassess such Abatements within the whole

Hundred

Hundred and Division, &c. or on Persons undercharged, so as the whole Sum charged on such Hundred be fully paid.

The Receivers-general are to constitute proper Persons for their Deputies, for whom they shall be answerable; and shall appoint so many of them, that no Sub-collector be forced to travel above 10 Miles from the Place of his Abode for Payment of the Monies by him collected. Receivers-general neglecting or refusing to appoint such Deputies, or to attend by themselves or Deputies at the Time and Place appointed for their Receipts, shall forfeit 100*l.*; One Moiety to the King, and the other to the Prosecutor.

In case there shall not be a sufficient Number of Commissioners for any City, Borough, &c. capable of acting, any Commissioners for the County at large may act in such City or Place.

Mayors, and other Chief Magistrates, appointed Commissioners, may act in any City, Borough, &c. where they inhabit, as well where Commissioners are specially appointed, as where not.

Members of Parliament, who, during this Session, shall abide in London or Westminster, &c. are to be assessed for their ready Money, &c. in the Places where they have their Mansion Houses, or where they usually reside during the Intervals of Parliament: And no Assessor or Commissioner may assess any Member contrary to the Provision made, on Forfeiture of 40*l.* to the Party, with full Costs of Suit.

The First General Meeting of the Commissioners for the West Riding of the County of York shall be at Pontefract; for the North Riding at Thirsk; and for the East Riding at Beverley.

No Person shall be capable of acting as a Commissioner for any County at large in England, or Wales, (*Merioneth, Cardigan, Carmarthen, Glamorgan, Montgomery, Pembroke, Radnor, and Monmouth*, excepted), or for any of the Ridings in Yorkshire, unless he was taxed for 100*l.* per Ann. or more, for Lands, being Freehold, Copyhold, or Leasehold, of his own Estate, in the same County, &c. over and above all Ground Rents, Incumbrances, and other Reservations, payable thereout, to the last Year's Land Tax.

Any Person nominated a Commissioner for Anglesea or Carnarvon, is capable of acting for those Counties, being himself, or his Tenants or Trustees, taxed for 60*l.* per Annum, or more, of his own Estate, to the last Year's Land Tax.

No Person nominated a Commissioner for this Act shall be disabled from acting for any City, Borough, &c. for which he is particularly nominated, and whereof he is an Inhabitant; nor from acting in any of the Inns

of Court, &c. But no Attorney or Solicitor, or Person practising as such, shall be capable of acting as a Commissioner in executing this Act, without possessing Lands, being Freehold, Copyhold, or Leasehold, of his own Estate, of 100*l.* per Annum, in the same County, &c. over and above all Ground Rents, Incumbrances, and other Reservations, payable thereout, and charged for the same in the last Year's Land Tax, nor any Receiver-general or Collector of any Aid granted to His Majesty, shall be capable of acting as a Commissioner.

No Person shall be capable of acting as a Commissioner within the City of London, and Liberty of St. Martin le Grand, who is not possessed of Lands, &c. therein, being Freehold, Copyhold, or Leasehold, over and above all Ground Rents, Incumbrances, and other Reservations, payable thereout, which were taxed in the said City or Liberty for 20*l.* per Annum, of his own Estate, or unless he was taxed therein for the Value of 150*l.* personal Estate, to the last Year's Land Tax.

No Person shall be capable of acting as a Commissioner within the City and Liberty of Westminster, who is not possessed of Lands, &c. therein, being Freehold, Copyhold, or Leasehold, over and above all Ground Rents, Incumbrances, and other Reservations, payable thereout, which were taxed or paid for 50*l.* per Annum, or more, of his own Estate, to the Land Tax in 1788.

No other Qualification shall be required of the Master of His Majesty's Household, First Clerk of the Household, &c. than the Possession of their respective Offices.

If any Person intended by the Act to be disabled shall presume to act as a Commissioner, he shall forfeit 50*l.* to the Informer or Prosecutor.

Collectors of the New Waterworks in Exeter are to be charged with the Tax assessed on the Profits thereof; and the same shall be allowed in their Accounts by the Proprietors.

The Act shall not charge Her Majesty the Queen with the Duty of 4*s.* per Pound for any Money or Annuities granted to Her by His Majesty; but Her Majesty, and Her Treasurers or Receivers-general, in respect of the same, shall be free from all Taxes and other publick Charges whatever.

Nor shall it charge His Royal Highness the Prince of Wales, or Their Royal Highnesses the Dukes of Gloucester and Cumberland, or the Officers and Servants attending Their Persons, for any Annuities granted to Them by His present Majesty:

Nor shall it extend to charge the Pensioners of any superannuated Commission or War-rant Sea-officers; or the Pensions of Widows of Sea-officers slain in the Service; or the Revenue of the most Noble Order of the Garter;



Garter; or the Penfions of the poor Knights of *Windsor*, payable out of the Exchequer; but the same shall not extend to lessen the Sum provided by this Act.

Rents belonging to the Residentiaries of Cathedrals, being chargeable to the Land Tax, and the Overplus of the said Rents going in Shares for their Maintenance, the said Residentiaries shall not be further chargeable as enjoying Offices of Profit out of the said Rents.

The Act shall not charge the Pension of 100*l.* per Annum granted by King Charles II, to the poor Clergy of the *Ile of Man*:

Nor shall it be extended to charge the Penfions of His Majesty's Pages of Honour.

Where any Failure hath been, or shall be, of raising the Sums charged on any County, Riding, &c. by this or any former Acts, the Receivers-general are to certify to the Barons of the Exchequer the particular City, &c. where such Failure hath happened, with the Assessors and Collectors Names; which City, &c. only shall be liable to Process for such Neglect.

Commissioners for the City of *Lincoln* may act within the *Bail and Close of Lincoln*; and the Commissioners for the County of *Lincoln*, in *St. Martin Stamford Baron*, in the County of *Northampton*.

A Book of Register shall be kept by the Auditor of the Receipt, in which all the Monies paid into the Exchequer on this Act shall be entered apart.

p. 92. Where Offices or Employments of Profit are executed by Deputy, and the Principals live remote, such Deputy shall pay the Assessment, and deduct the same out of the Profits, and on Nonpayment shall be liable to Distress, &c.; and there shall be the like Remedies for recovering the Arrears of the Land Tax assessed on such Offices for the Year 1706, and for any subsequent Year not yet satisfied, where the Accounts for those Years are not otherwise cleared in the Exchequer.

At every Time and Place appointed by the Commissioners for the Collectors to pay in their Monies to the Receiver-general, or his Deputy, such Receiver-general, or his Deputy, shall, under his Hand, deliver a List or Certificate to such Person as any Three of the Commissioners shall appoint to attend for that Purpose, containing the several Sums of Money then, or before that Time, paid by the Collectors for each Town or Place in that Hundred or Division; and on Refusal, shall forfeit not exceeding 20*l.* to be imposed by any Three Commissioners, and answered and levied into the Exchequer, as their Fines on Assessors and Collectors.

Persons who, in pursuance of any former Land Tax Acts, or of this Act, have distrain-

ed, or shall distrain, the Goods or Chattels of any Collector, &c. for Nonpayment, (the Sums for which Distress was made being thereout first paid), may keep in their Hands, for their own Use, so much Money as any Two of the Commissioners who ordered such Distress shall judge reasonable, rendering the Overplus (if any) to the Owner.

No Receiver shall be allowed to set *insuper* p. 94. any County, &c. for Monies in Arrear, unless the Account be passed in the Exchequer within Two Years at the farthest after *March 24, 1790*, but the same shall remain a Debt on him and his Sureties.

Upon every Writ of *Distingas* hereafter to be issued upon any such *insuper*, the Sheriff, &c. shall return Issues after the Rate of 5*l.* at least upon every 100*l.* of the Sum set *insuper*, which shall be forthwith drawn down into the great Roll of the Pipe; and Process, according to the Course of the Exchequer, shall issue for levying thereof at the First General Issuing of Process, under the Seal of the Exchequer; unless the Treasurer, Chancellor, or Barons of the Exchequer, or One of them, shall order the same to be respited till a further Day.

The Receivers of the Profits of the Waterworks in *Shrewsbury* are to be charged with this Tax, and to be allowed the same by their Proprietors.

The Overplus Sums, discharged by the Barons of the Exchequer, on Places overburdened by Double Taxes formerly charged on them, shall be an Ease only to such respective Places; and shall not be construed to lessen the Proportions to be raised in any other Place.

Where Lands charged with more than 4*s.* p. 97. in the Pound, being the Estates of Papists, and other Persons formerly doubly taxed, by their taking the Oaths, or the Estates being come to Protestants by Purchase *bona fide*, or the Death of such Papists, or other Persons formerly doubly taxed, may be liable only to a single Assessment; in such Case, any Two of the Commissioners, on Complaint, may examine into the Truth thereof; and if they are satisfied of it, are to certify the same to the Barons of the Exchequer, at any Time before *Sept. 29, 1790*: And Two of the Barons are p. 98. to inform themselves, by the Oaths of Two credible Witnesses, concerning the said Certificates; and may, by their Discretion, discharge the Overplus before the last Day of *Nov. 1790*, which shall be discharged upon the Duplicate to be returned for such Place, and be allowed upon the Receiver-general's Account; and no Officer shall take any Fee for the same; and the Overplus so discharged shall be abated out of the Sums laid on such respective Place only, and shall not lessen the Proportions to be raised in any other Place; and

p. 99. and the respective Certificates, or a true Copy thereof, whereby the said Places have been discharged by the said Barons of such Overplus Sums, shall be produced by the Persons claiming the Benefit thereof to the Commissioners, at their next General Meeting, to ascertain the Proportion on each Division, after such Certificate hath been obtained.

The Commissioners present at a publick Meeting (other than such as have been Collectors of any Land Tax there) may summon Collectors suspected to have levied any Money, under Colour of any Land Tax, within Seven Years next before the Beginning of this Session of Parliament, and to have converted the same fraudulently to their own Use; and if such Collectors be dead, then they may summon the Heirs, Executors, &c. of such Collectors, requiring them to appear before them at the Time and Place prefixed; and

p. 100. on their Appearance, or Default, may enquire, by Examination of Witnesses on Oath, or other lawful Ways and Means, and determine what Money such Collectors did levy and convert to their own Use, and thereupon may issue their Warrants for paying in such Monies to His Majesty's Use, in Manner following, viz. In case there be any Deficiency in any Parish, &c. then the Deficiency shall be satisfied in the First Place out of the Monies so recovered, or the same, so far as they will extend, shall be applied towards the making good such Deficiency; and in all Cases where there is no Deficiency, or where there is an Overplus, the Commissioners are to order the Money to be paid to the Receiver-general, towards discharging so much of the Proportion to be charged on such Parish, &c. by virtue of this Act.

Such Payments, so to be made in pursuance of such Orders, shall be good and sufficient Discharges to the said Collectors, their Heirs, &c. against His Majesty, and all Persons whatsoever.

p. 101. If any Collector shall neglect to pay any Sums of Money within the Time limited by such Orders, the Commissioners may imprison him till Payment, and seize the Estates as well Freehold as Copyhold, &c. of such Collector, his Heirs, &c. wherever the same can be found; and after publick Notice given, Six Days before a General Meeting of the Commissioners of that Division, (the Monies detained being not paid according to the Directions of this Act), may sell the same; and out of the Monies arising thereby, may pay the Sum detained, with the Charges; and the Overplus shall be restored to the Owner.

p. 102. The Commissioners by this Act are to cause the Monies in Arrear on former Land Taxes to be reassessed, levied, and answered, as fully as any Commissioners appointed by the former Acts might have done

in that Behalf; and the Assessors, Collectors, and Receivers, are to assess, reassess, levy and answer the said Arrears, in such Manner, and under such Penalties, and as effectually as they are required to do with respect to the Sums charged by this Act.

No Receiver-general, or any of his Agents or Servants employed for carrying any Monies to be received on account of these Taxes, shall maintain an Action against any Hundred for being robbed on the King's Highway of any of the said Monies, unless the Persons carrying such Money shall, at the Time of such Robbery, be together in Company, and be in Number Three at the least, to attest the Truth of their being so robbed.

Tolls taken at Turnpikes for repairing p. 103. publick Roads are not chargeable by this or any former Act to the Land Tax; nor the Persons employed in collecting such Tolls and repairing such Roads, by reason of their Offices or Salaries.

Where the Commissioners shall have good Reason to suspect that the Assessors of any Place since May 6, 1717, have been omitted to be charged for any of their own Estates to the Land Tax, they, or any Five of them, are required to summon such Assessors before them before Sept. 29, 1790, and examine them, or any other Persons, on Oath, for Discovery of such Omission; and, as they find the Case to be, they are to compute the Wrong which any Place hath sustained thereby, and award Satisfaction to be made by the respective Assessors, whose Estates have been so omitted to be charged; and they shall, by Warrant under their Hands and Seals, cause the Sums so awarded to be levied upon the Persons, or their Executors, and upon their Goods, and to be paid to the Collectors, that the Place may have the Benefit thereof, and be eased in their Proportion to this present Aid, or to the next Aid to be granted by a Land Tax; provided that the Quota of any such Place be not lessened.

The Commissioners are, in every Schedule or Duplicate transmitted by them into the King's Remembrancer's Office, to distinguish and set down the gross Sum charged on every Division for Double Taxes; that so it may be known how much the Double Taxes arising by the Act do amount to in every Division.

The Sum appointed to be raised by the Town of Cambridge shall be levied by rating all Manors, Lands, Woods, &c. Fishings, Locks, Weirs, and Sluices, upon the River Cam, Tithes, Tolls, Markets, Fairs, Booths, Stalls, and Standings, in Markets and Fairs, and the Rents and Profits of the same; and all other Hereditaments lying in the said Town, or within the Precincts thereof; and all other personal Estate belonging to the said Town,

Town, or its Members, except such personal Estate as in the Act is excepted.

The Collectors are to demand the entire Sum which shall be assessed for the whole Year on the Fairs to be held within the said Town or its Limits, and for the Booths, Stalls, and Standings in the same, from the Parties who shall set to Sale any Goods, if they can be found, or else on the Premises charged, at any Time within Seven Days after the First proclaiming of such Fairs; and, on Nonpayment, may distrain and sell the Goods.

The Collectors shall have all such Powers in making such Distress as are herein given to the Collectors in other Cases; and the Tenants of such Booths, &c. are to pay the Rates, and deduct the same out of the Rent payable for such Booths.

Any Part of this Act may be repealed or altered by any Act to be made this Session.

It is enacted, That the Sum of 47,954*l.* 1*s.* 2*d.* shall be raised in that Part of Great Britain called Scotland, by an Eight Months Cess, of 5,994*l.* 5*s.* 1*d.* 3*q.* per Menssem, of lawful Money of Great Britain, out of the Land-rent of Scotland, according to the monthly Proportions expressed in the Act.

p. 113. The Proportions of the Boroughs in Scotland are to be rated as their Tax Roll now is, or shall be settled by themselves.

p. 114. The First Two Months Cess of 11,988*l.* 10*s.* 3*d.* 2*q.* to be paid by June 24, 1790; the Second by Sept. 29, 1790; the Third by Dec. 25, 1790; and the Fourth by March 25, 1791.

p. 115. The Commissioners named in the Acts of 26 and 27 Geo. III, who have qualified, or shall qualify themselves, according to the Laws of Scotland in that Behalf, shall, together with any Persons that may be appointed by any Act of this Session, be Commissioners for the ordering, raising, and levying the said Supplies, and putting this Act in Execution within Scotland, in the said Shires and Stewartries respectively. And the Commissioners shall chuse their own Clerk, and do every Thing concerning the said Supply, as is prescribed by the Cess Act of Nov. 6, 1706, and other Acts made in any former Parliament of Scotland, to which the said Act relates.

Execution shall be done in Scotland for bringing in the said Supply, as is provided by the same Acts, in all Points not altered by this Act; and the First Meeting of Commissioners of Shires shall be at the Head Burghs, on April 30, 1790, and the Sheriffs, &c. shall intimate the same to the Commissioners of their Shires, &c. with Power to the said Commissioners to appoint the subsequent Diets of their Meetings, and their

Convenors; as also to appoint Collectors, with fit Caution.

All Clauses contained in former Acts of Parliament in Scotland, relating to the bringing in the Cess, and Quartering, and touching Riding-money, are to stand in full Force with respect to the present Supply.

No Person, whether Heritor or Collector, shall be holden to produce the Receipts of the Supply after Three Years from the Terms of Payment, unless Diligence be done therefore by Denunciation within the said Three Years; in which Case One Year further is only added to the said Three Years; and none shall be holden to produce their Receipts or Discharges thereafter.

Any Debtor owing Money in Scotland at 6*l.* per Centum Interest, may retain a Sixth Part of 6*l.* per Centum, from Nov. 11, 1789, to Nov. 11, 1790: And it shall be Usury for any Creditor to refuse to grant the said Retention there.

The said Sum of 47,954*l.* 1*s.* 2*d.* shall be raised in Scotland, free of all Charges to His Majesty, and paid at Edinburgh to such Persons as the Commissioners of the Treasury, &c. shall appoint to be Receivers-general; who shall be accountable for the same to His Majesty in the Exchequer.

No Person may be a Commissioner in Scotland who is not in seoff in Superiority or Property, or possessed, as Proprietor or Life-renter, of Lands valued, in the Tax-roll of the County or Stewartry where he acts, to the Extent of 100*l.* Scots per Annum, (except the eldest Sons and Heirs-apparent of Persons who are so in seoff), on Forfeiture of 20*l.* Sterling for every such Act; to be recovered in a summary Way, before the County or Stewart Court, or before the Lords of Session; and the Person complained of shall be obliged to prove that he is so in seoff, or in Possession, or is Son and Heir-apparent of a Person so in seoff, or in Possession of an Estate in Superiority, &c. without any Proof or Evidence to be brought on the Plaintiff's Part, other than that the Person complained of hath taken upon him to act as a Commissioner.

Every Commissioner in Scotland, before he presumes to act, shall take and subscribe the Oaths of Allegiance and Abjuration; and subscribe the Assurance appointed by Law for Persons in Offices of publick Trust in Scotland, on Penalty of 20*l.* Sterling; and any Two or more of the Commissioners are to administer the same Oaths accordingly.

But any Provost, Baillie, Dean of Guild, Treasurer, Master of the Merchants Company, or Deacon Convenor of the Trades, for the Time being, of any Royal Borough, or Baillie of any Borough of Regality or Baronry, in the Act named or appointed a Commissioner

missioner for any County or Stewartry, or the Factors for the Time being on the several forfeited Estates annexed to the Crown by an Act of 25 Geo. II, shall be capable of acting as a Commissioner in such County or Stewartry; and no Court or Magistrate in Scotland may grant any Stay to the bringing in the said Supply, by Quartering, according to the Proportions settled by the Commissioners for the several Shires, &c.

p. 119. Natives or Foreigners may lend any Sum of Money, not exceeding 2,000,000 *l.* on the Credit of the Act, and such other Monies as are by the Act appointed for repaying the same, with Interest, not exceeding 4 *l.* 10 *s.* *per Centum per Annum*, Tax-free; so as such Loans be allowed to be made by the Commissioners of the Treasury, who are to issue their Warrants for that Purpose as fast as such Loans shall be wanted for the publick Service.

All Persons lending Money on the Act, and paying the same into the Exchequer, shall have Tallies of Loan, and Orders for Repayment, with a Warrant for Interest, to be paid every Three Months; which Orders shall be registered according to their Dates, and paid in Course according as they stand registered, &c.: And the Monies to come in by the Act, shall be liable in the same Order to satisfy the Lenders without undue Preference, and shall not be divertible to any other Use; and no Fee shall be taken for registering or Searches, on Pain of Treble Damages to the Party, and full Costs of Suit; or if the Officer take or demand any Fee, to forfeit his Place also; and if undue Preference be made in Point of Registry or Payment, the Party offending shall be liable, by Action of Debt, to pay the Value of the Debt, with Costs of Suit, and be forejudged of his Office; but if made by any Deputy or Clerk, without Direction or Privy of his Master, such Deputy or Clerk only shall be liable, and shall p. 120. be for ever incapable of his Place or Office: And if the Auditor of the Receipt shall not direct the Order of Loan, or the Clerk of the Pells record, or the Tellers make Payment thereupon according to Order, they shall be liable to such Action; all which Penalties may be recovered by Action of Debt, or Information, in any of the Courts of Record at Westminster.

If several Tallies of Loan bear Date the same Day, it shall not be interpreted any undue Preference which of them be entered first, so as the Auditor enters them all the same Day:

Nor if the Auditor direct, and the Clerk of the Pells record, and the Tellers pay subsequent Orders of Persons that demand their Monies, before others who did not come in

Course, so as there be so much Money reserved as will satisfy preceding Orders, which shall not be otherwise disposed of, but kept for them; Interest being to cease from the Time the Money is so reserved in Bank for them.

Persons to whom any Money shall be due by virtue of the Act, their Executors, Administrators, or Assigns, may transfer their Right, and the Assignees may assign again, and so *toties quoties*; and the Persons who have made such Assignment shall not make void the same. p. 122.

In case the Commissioners of His Majesty's Treasury shall judge it more advisable to raise the said Sum of 2,000,000 *l.* or any Part thereof, by Exchequer Bills instead of Loans, they may at Once, or by such Proportions as shall be most for the Advantage of the Publick, prepare any Number of new Exchequer Bills, containing One common or different Sums; so that in case there be no Loans made, then all the principal Sums to be contained in the said Bills shall not exceed the aforesaid Sum of 2,000,000 *l.*; and if any Loans shall be made, all the Bills, together with the Loans, shall not exceed the said Sum. p. 123.

The said Bills shall bear an Interest of 4 *l.* 10 *s.* *per Cent. per Ann.* payable to the Bearers; but the Interest shall be saved on such Bills as shall be in the Receipt of the Exchequer, or in the Hands of any Receivers of Taxes, during such Time.

The Bills shall be numbered arithmetically, and be registered accordingly; so that the Principal in every Bill (after Repayment of the Loans, if any such be, with Interest, or reserving Money for that Purpose) may regularly be discharged, according to its Number; the Interest to be payable every Three Months; and on every Bill shall be indorsed the Sum, after which the Principal shall be payable in Course. p. 124.

In case the said Sum of 2,000,000 *l.* shall be raised partly by Loans and partly by Bills, then it shall be lawful for the Commissioners to appoint the Order in which such Loans or Bills shall stand upon the Register, and after what Time they shall respectively begin to be payable in Course, out of the Monies arising by this Act, so as no subsequent Loans or Bills be made to alter the Course appointed for prior Loans or Bills.

The Bills are to be prepared and made with such Cheques, Indents, &c. as the Treasury shall direct; and the Person to pay off these Bills shall have the Use of One Part of the Cheques, &c. to prevent his being imposed upon by counterfeit Bills; and the Contractors for circulating shall have One other Part of the said Cheques; and all the Parts of the Cheques shall be delivered back into the Exchequer p. 125.

Exchequer when the Bills shall be discharged.

The said Bills are to be placed as Cash in the Offices of the Tellers of the Exchequer, each of whom is severally to be charged with the Proportion placed in his Office.

The Bills shall be current in like Manner, and with such Privileges, and subject to such Rules as are prescribed by the Malt Act of this Session, concerning Exchequer Bills thereby authorised to be made forth: And all the Clauses and Provokes in the said Act relating to the Currency, exchanging or receiving of the said Exchequer Bills; or for preventing the forging or altering the same, or for making out new Bills in the Room of such as shall be filled up with Indorsements, lost, or otherwise destroyed; or for making out Bills of 5,000 *l.* each, or Bills without or bearing Interest; or a higher or lower Rate of Interest; or for preventing the Misapplication of the Fund on which the same are charged, or any other Misbehaviour of Officers relating thereto; or for enabling the Commissioners of the Treasury to contract for Payment of the Interest of, or exchanging for ready Money, on Demand, the Exchequer Bills thereby ordered to be issued; or for preventing any Disabilities in such Contractors, or for making them not liable to be Bankrupts on Account thereof; or for appointing Paymasters for paying off or cancelling the Bills; shall be extended to the Exchequer Bills hereby authorised to be made forth (except only such Matters as are otherwise provided for in this Act).

*p. 127.* The Money arising by the Act shall be applied towards paying off the Orders of Loan, and Interest thereof, or shall be issued to such Paymaster as before mentioned, upon Account, for paying off and circulating the same Bills, &c.

On *Sept. 29, 1791*, or within 10 Days after, the Commissioners of the Treasury shall cause a perfect Account to be taken, and attested by the proper Officers, of all the Monies raised by Loans and Bills towards the said Sum of 2,000,000 *l.* and how much shall have been discharged, and how much remains undischarged; which Account shall be publicly affixed in the Office of the Auditor of the Receipt. *p. 128.*

The Monies unsatisfied, with the Interest due, or to be due, on the same, shall be paid, out of the next Aid granted after *Sept. 29, 1791*, and be transferred thereunto; and if no such Aid shall be granted before *March 24, 1792*, the Monies undischarged, with the Interest, shall be charged upon the Sinking Fund, (excepting the Monies thereof appropriated by former Acts to other Uses), till the Principal and Interest be cleared: And if, before or after any Money of the Aids hereby granted shall be brought into the Exchequer, there shall be a Want of Money for paying Interest, or any Premium grown due by virtue of the Act, it shall be supplied out of the Consolidated Fund, except as before excepted. *p. 129.*

Monies issued out of the Consolidated Fund shall be replaced out of the First Supplies to be then after granted in Parliament.

If the Monies arisen or to arise from the Duties of the Land Tax of 28 *Cro.* III, by *Sept. 29, 1790*, shall not be sufficient to discharge the Principal and Interest due, or to grow due, upon the Orders of Loan, or Bills made in pursuance of the said Act, the Deficiency shall be supplied out of the Monies arising from Loans or Exchequer Bills on this Act, or any Aid granted for the Year 1790, and the Commissioners of the Treasury are to apply the same accordingly. *p. 130.*

*p. 135.*

*p. 136.*

*p. 137.*

*p. 138.*

*p. 139.*

*p. 140.*

*p. 141.*



An ABSTRACT of an Act for continuing and granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and ninety.

Anno tricesimo GEORGII III. Regis.

C A P. III.

- p. 135. **I**T is enacted, That throughout that Part of Great Britain called *England, Wales,* and Town of *Berwick upon Tweed,* the Duties upon Malt, Mum, Cyder, and Perry, by an Act of 1 Geo. III. granted to His Majesty, and continued to June 24, 1762, and which, by several succeeding Acts of 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 Geo. III. were granted or continued to June 24, 1790, shall be further continued to June 24, 1791.
- p. 137.
- p. 138.
- p. 139. Throughout that Part of Great Britain called *Scotland,* there shall be paid to His Majesty,
- For every Bushel of Malt which, after June 23, 1790, and before June 24, 1791, shall be made of Barley, or any other Grain, (whether for Sale or not), 3d. to be paid by the Makers:
- For every Barrel of Mum made or imported, (over and above all other Duties payable for the same), 10s.:
- For all Cyder and Perry made for Sale (over and above all other Duties), 4s. per Hogshead, to be paid by the respective first Buyers or Retailers thereof.
- p. 140. Which Duties shall be raised by the same Means, and under such Penalties, and with such Power of Mitigation, and other Powers in all Respects, not otherwise directed by this Act, as are prescribed in the said former Act, or in any other Act or Acts thereby referred to; and the said Acts as concerning the said Duties, not otherwise altered by this Act, shall be in full Force during the Continuance of this Act; except so much of the said Acts as relate to compounding for the Duties on Malt.
- p. 141. After June 24, 1791, if it shall appear to the Commissioners in *Scotland,* that the Duties are not sufficient to answer the clear Sum of 20,000*l.* they may make a proportionable Surcharge upon every Person who shall have made any Malt in *Scotland* within the Year; which shall be paid to the Collectors of the Duties within One Month after the same shall be surcharged, on Forfeiture of Treble the Sum upon him so surcharged; to be recovered as the Duty of 3d. per Bushel may be recovered by this Act: Which said Surcharge shall be computed thus; viz. As the Quantity of Malt made by each Maltster within the Year shall bear Proportion to the whole Quantity made in *Scotland,* so the Surcharge upon such Maltster shall bear Proportion to the Sum deficient.
- If the Rate of 3d. per Bushel shall produce a greater Sum than 20,000*l.* clear of all Charges, the Surplusage shall be wholly applied towards the encouraging the Fisheries, and such other Manufactures and Improvements in *Scotland* as may most conduce to the general Good of the United Kingdom, in such Manner as the Act of 13 Geo. I. for encouraging and promoting Fisheries, and other Manufactures and Improvements in *Scotland,* directs.
- Where the recited Act of 1 Geo. III. did relate to any Day or Time within the Year which commenced from June 23, 1761, this present Act shall relate to the like Day and Time within the Year commencing from June 23, 1790.
- Malt made in *Scotland* and brought into *England,* if brought by Sea, shall be entered with the Officer for the said Duties of the Port where it shall be brought; and 6d. per Bushel shall be paid before landing, unless a Certificate from the proper Officer be produced that it hath paid 3d. per Bushel in *Scotland*; and if so, there shall be paid only 3d. per Bushel: And if it be brought by Land it shall be carried through *Berwick* or *Carlisle,* and there entered; and 6d. per Bushel shall be paid, unless such Certificate be produced as aforesaid, and then only 3d. per Bushel; on Forfeiture of such Malt or the Value thereof: And in case any Malt shall be brought from thence by Land, by

or beyond the Towns before-mentioned, without Entry or Payment of Duties, it shall be forfeited, and may be seized by any Officer of Excise; One Moiety to go to the King, the other to such Person as shall seize or sue for the same; to be recovered as any Forfeitures are by this or any of the former Acts relating to the Malt Duties; or by Action of Debt, &c. in any of the Courts at *Westminster*.

This Act shall not extend to charge with 4s. per Hoghead, any Cyder or Perry used for distilling only.

After June 24, 1790, every Distiller that shall receive any Cyder or Perry into his Custody, shall give Notice, in Writing, to the proper Officer, 48 Hours before he shall put any Quantity whatsoever of the same into any Still, to be drawn into Low Wines or Spirits: And if he shall omit to give Notice, or if it shall appear that such Cyder or Perry hath been disposed or made use of any other Way but in Distillation only, he shall forfeit 5 l.; the same to be levied and mitigated as Fines for Offences against any of the Laws of Excise, or by Action of Debt, &c. in any of the Courts at *Westminster*; One Moiety to go to the King, the other to the Person who will inform or sue for the same.

Maltsters, for every 20 Quarters of Barley, or other Grain, entered and made into Malt for Exportation, (in Cases where by Law a Bounty is allowed on Exportation), shall have an Allowance of 30 Quarters, after it shall be dried and made into Malt, upon the Exportation thereof, and no more, though, by their steeping and wetting the same, the said 20 Quarters shall be run out to any greater Quantity, according to an Act made 1 W. & M. intituled, *An Act for encouraging the Exportation of Corn*; and in such Cases where, by the said Act, they are intitled to the same, and so in Proportion for a greater or less Quantity.

Exporters of Malt into Foreign Parts shall produce a Certificate from the Officer with whom the Entry of the Corn shall have been made, of the particular Sum they are intitled to, according to the aforesaid Allowance; and upon giving Security before the shipping, that the Malt, or any Part thereof, shall not be brought again into *Great Britain*, the Collector or Chief Officer of the Port shall give to the Exporter a Certificate, directed to the Person by whom the said Allowance is to be paid; who, upon producing such Certificate, is to pay the same accordingly.

Provided, that if the Malt so shipped to be exported, be reloaded in *Great Britain*, the same, and Treble the Value thereof, (over and above the Penalty of the Bond), shall be forfeited; One Moiety to the King, the other to the Seizer or Prosecutor.

Every Maker of Malt for Exportation shall keep the entire Quantity of his Corn making into Malt for Exportation of One Steeping, when it shall be on, or after taking off, the Kiln, separate from any other former Steeping, till the same be measured in Presence of some Officer, on Forfeiture of 50 l.

Makers of Malt for Exportation shall give Notice in Writing to some Officer, or leave Notice in Writing at the next Office of Excise where the Journal is kept, of the Hour when they intend to take any Malt off the Kiln, that such Officer may attend the measuring; and after it has been measured, it shall be immediately carried on Ship-board, if intended to be then exported; or locked up in some Storehouse, in the Presence of the Officer, on Forfeiture of 50 l.

If any Maltster, or other Person by his Direction or Privy, shall, after any Steeping or Making of Malt has been locked up, open any of the Locks or Doors, or make any Entrance into such Storehouse, or shall remove any Part of the Malt so locked up, without the Knowledge and Consent of, or without first having given Notice to some Officer of the said Duties, he shall forfeit 100 l.

Every Maltster that, on June 24, 1790, shall have any Malt locked up in order to be exported, shall, within 15 Months after the said Day, remove out of his Storehouse every Parcel thereof; and shall always, in every 15 Months after the last Clearing, remove, in order to be exported, every Parcel of Malt locked up, on Forfeiture of 50 l.

And all Persons that, after June 24, 1790, shall become Makers of Malt for Exportation, and shall make use of Storehouses, &c. shall, within 15 Months after the Beginning to make use of such Storehouses, &c. remove all Malt put into such Places; and shall always, within every 15 Months after the last Clearing, remove, in order to be exported, every Parcel of Malt locked up, on Pain of forfeiting 50 l.

From and after June 23, 1790, if any Maltster shall force together in the Cistern, Utting-fat, or Couch, any Corn or Grain, steeping or steeped, in order to be made into Malt, he shall forfeit 5s. for every Bushel thereof; or if any Grain shall be found so close in the Cistern, &c. as it could not be, unless it had been forced together to prevent its Rising and Swelling, the Maltster or Maker of Malt where the same shall be so found, shall forfeit 5s. for every Bushel thereof; and Proof being made thereof, the same shall be deemed conclusive Evidence of the Fact.

From

p. 152. From and after June 24, 1790, any Maltster, or Maker of Malt, who shall fraudulently convey away, or cause or permit to be so done, from the Cistern, Uting-fat, or other Wetting-place, &c. any Steeping, or Part of any Steeping, of Corn or Grain making into Malt, or shall mix the same with and amongst any Couch or Floor of other Corn, &c. making into Malt, then depending and in Operation, which has been gauged, or charged with the Duty in the Couch; or shall fraudulently convey away, or cause or permit so to be done, from the Cistern, Uting-fat, or other Wetting-place, &c. any Steeping, or Part of any Steeping of Corn, &c. making into Malt, so that no Gauge thereof can be taken in the Couch by the Officer; he shall forfeit 100 *l.* for every such Offence.

All Forfeitures for Offences against this Act shall be recovered and mitigated by the same Ways as any Forfeiture given by the Laws of Excise; or by Action of Debt, or Information, in any of the Courts of Record at Westminster; and One Moiety thereof shall go to the King, and the other to the Informer or Prosecutor.

Persons who are not Dealers in Cyder and Perry, or Retailers thereof, but only buy for their own private Use, shall not be charged with the Duty laid by this Act.

All Persons who, after March 25, 1790, shall sell any Quantity of Cyder or Perry, less than 20 Gallons at One Time, whether made from Fruit of their own Growth, or bought Fruit, shall be deemed Retailers, and be subject to the Duty of 4 *s.* per Hogshead for the Quantity so sold, besides all other Duties payable for retailing Cyder and Perry; and every Dealer and Retailer, or any other Persons receiving any Quantity for Sale, and all Persons who shall buy any Fruit to make into Cyder or Perry for Sale, shall make a true Entry, in Writing, of the several Places made use of by them for making or keeping the said Liquors, at the next Excise Office in whose Limits they are, on Penalty of 50 *l.*

p. 154. for every Place made use of unentered: And all Duties and Forfeitures shall be sued for, levied, or mitigated, as any other Duties are by the Laws of Excise, or by Action of Debt, &c. in any of the Courts of Record at Westminster; to be divided, One Moiety to the King, and the other to the Person who informs or sues for the same: And any Person who shall be sued for any Thing done pursuant to this Act, may plead the General Issue, and give this Act in Evidence; and if the Defendant gets a Verdict, or the Plaintiff be nonsuited, such Defendant shall have Treble Costs.

p. 155. Where any Cyder or Perry, in the Custody

or Possession of an Agent or Factor, shall appear, by a Certificate of the proper Officer of Excise, to have been charged with the Duty granted by this Act, such Factor or Agent shall, for every Hogshead so charged, stand discharged of 4 *s.* Part of the Duty of 19 *s.* 2 *d.* granted by the Act of 27 Geo. III, intituled, *An Act for repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, &c.*: And no Cyder or Perry shall, in any Case whatsoever, be charged with a higher Duty in the Whole (including the Duty granted by this Act) than after the Rate of 19 *s.* 2 *d.* per Hogshead, on Account of the same being in the Custody or Possession of all or any of the Persons liable to pay Duties in respect thereof.

There shall be kept in the Office of the Auditor of the Receipt of the Exchequer a Register, in which all Orders for Money payable on this Act shall be entered: And any Persons, Natives or Foreigners, may advance, on Credit of the Duties by this Act granted, any Sums not exceeding 750,000 *l.* and shall have Interest for the Loans not exceeding 4 *l.* 10 *s.* per Cent. per Ann. so as such Loans be allowed to be made by the Commissioners of the Treasury, or the High Treasurer, who are to issue their Warrants for that Purpose; the Interest to be paid every Three Months till Satisfaction of the Principal, and be Tax-free: And every Lender shall have a Tally of Loan, and an Order of the same Date for Repayment, with Interest afore said; and all Orders shall be registered, and Persons paid in Course; and the Monies to come in by this Act shall be in the same Order liable to the Satisfaction of the said Persons respectively, without undue Preference, and not be divertible to any other Use; and no Fee is to be taken by any Officer, &c. on Pain of Payment of Treble Damages, with Costs; or if the Officer take or Demand any Fee, to forfeit his Place also: And if undue Preference be made in Point of Registry or Payment, the Party offending shall be liable, by Action of Debt, to pay the Value of the Debt, with Costs of Suit; and be forejudged of his Office; and if such undue Preference be made by the Deputy or Clerk, without Direction or Privy of his Master, then such Deputy or Clerk only shall be liable to such Action, Debt, Damages, and Costs, and be for ever incapable of his Place or Office: And if the Auditor of the Receipt shall not direct, or the Clerk of the Pells record, or the Tellers make Payment, according to Order, then he or they shall be adjudged to forfeit, and the respective Deputies or Clerks so offending therein shall be liable to such Action, &c.: All which

Penalties

Penalties may be recovered by Action of Debt, or Information, in any of the Courts of Record at Westminster.

If several Tallies of Loan bear Date the same Day, it shall not be interpreted any undue Preference which of them be entered first, so as the Auditor enters them all the same Day:

Nor if the Auditor direct, and the Clerk of the Pells record, and the Tellers pay subsequent Orders of Persons that demand their Monies, before others who did not come in Course, so as there be so much Money reserved as will satisfy precedent Orders; Interest being to cease from the Time the Money is so reserved.

p. 158. Orders registered may be assigned, and the Assignee may assign again, and so *talies quoties*, without any Fee or Charge; and the Persons who have made such Assignment shall not make void the same.

If the Commissioners of the Treasury shall judge it more advisable to raise the said Sum of 750,000*l.* or any Part thereof, by Exchequer Bills instead of such Loans, they may at Once, or by such Proportions as they shall find to be most for the Advantage of the Publick, prepare, in such Method as they shall think most safe, any Number of New Exchequer Bills, containing One common or different Sums; so that if there be no Loans made, then all the principal Sums to be contained in the said Bills shall not exceed

p. 159. 750,000*l.*; and if any Loans shall have been made, then all the Bills, together with the Loans, shall not exceed the said Sum.

The said Bills shall bear an Interest of 4*l.* 10*s.* per Cent. per Ann. payable to the Bearers; but the Interest shall be saved on such Bills as shall be in the Receipt of the Exchequer, or in the Hands of any Receivers of Taxes, during such Time.

All the Bills are to be numbered arithmetically, beginning with Number I, and so proceeding, and registered accordingly; so that the Principal Sum in every such Bill (after Repayment of the Loans, if any such be, or reserving Money for that Purpose) may regularly be discharged, according to the Number of the Bill, and Interest shall be paid every Three Months; and on every Bill shall be indorsed the Sum, after which the Principal shall be payable in Course.

p. 160. If the said Sum, not exceeding 750,000*l.* be raised partly by Loans and partly by Exchequer Bills, then the Commissioners are to direct the Course and Order in which the Loans and Exchequer Bills shall stand upon the Register, and after what Time they shall respectively begin to be payable in Course, out of the Monies arising by this Act, so as no subsequent Loans or Exchequer Bills be

made to alter the Course appointed for prior Loans or Bills.

The Bills are to be prepared and made with such Cheques, Indents, or Counterfoils, as the Treasury shall direct; and the Person to pay off these Bills shall have the Use of One Part of the Cheques, &c. to prevent his being imposed upon by counterfeit Bills; and the Contractors for circulating shall have One other Part of the said Cheques; and all the Parts of the Cheques shall be delivered back into the Exchequer when the Bill shall be discharged.

The said Bills are to be placed as Cash in the Offices of the Tellers of the Exchequer, each of whom is severally to be charged with the Proportion placed in his Office.

The Bills in the Hands of the Tellers are to be locked up as Cash, according to the Course of the Exchequer, and are to be deemed as so much in Part of the Remains in real Money, wherewith each of the said Tellers shall stand chargeable; and are in common with other the Monies in the Exchequer to be issuable and reissuable thereout, in lieu of so much Money as the principal Sums contained in the said Bills, with the Interest due thereon at the Time of such issuing or reissuing thereof, shall amount unto.

The Bills shall be current to all Receivers of any Revenue, and at the Receipt of the Exchequer, and shall be locked up as Cash, according to the Course of the Exchequer; and the Receivers of the Revenue shall, out of any current Money in their Hands of such Revenue, pay such Bills as shall be brought to them; and on Refusal thereof, for the Space of 24 Hours, the Persons demanding the same may bring an Action of Debt or on the Case, for the Principal and Interest due upon such Bills; and may declare that such Receiver is indebted in the Money demanded on the same; and shall recover the Monies refused, and full Costs of Suit; and, upon Payment of the Monies, shall deliver up the Bills to the Defendant.

As any of the said Bills shall be paid or lent into the Exchequer, Tallies shall be delivered to the Payers, as if they had made such Payment in Specie.

Interest upon Bills shall be allowed to the Days whereupon they shall be paid, exchanged, or lent.

No Interest shall be paid for them during the Time they remain in the Hands of any Receivers, or Tellers of the Exchequer.

Persons paying such Bills to Receivers, or into the Exchequer, shall put their Names thereupon, and the Day of the Month and Year in which they paid or exchanged them; and

and the Receivers and Collectors, and the Tellers in the Exchequer, shall take Care to see the same done accordingly; and Interest is to be allowed them to the said Days.

The said Bills may be issued out of the Exchequer, and the Tellers shall indorse on them the Day of the Month and Year in which they were re-issued, and on what Account they were last received, and shall sign the same; from which Time the Interest shall revive, and the Bills run as they did before they were received.

p. 165. The Bills shall be re-issued for the principal Money contained therein, and for the Interest due thereon and allowed by the Teller when they were last paid into the Exchequer.

Receivers-general shall keep Books of Account of the Monies by them received, with the Names of the Collectors from whom received, the Days when, how much in Money, and how much in Exchequer Bills, and what Bills shall have been exchanged; to which Account every Person concerned shall have free Access without Charge; and the Account shall be constantly open at One certain Place within the Limits of his Receipt; and if such Receiver shall neglect to keep such Book, or enter such Sums, by the Space of Three Days, or refuse any Persons concerned to inspect such Book without Fee, he shall forfeit 100 l. to be recovered by Action of Debt, or Information, in any of the Courts of Record at Westminster.

p. 166. In case any Exchequer Bills current shall be filled up by Indorsement, or by Accident be defaced, the Commissioners of the Treasury may cause new ones to be made forth in lieu of them; and the filled up or defaced Bills shall be cancelled, and kept on a File; and the Bills in lieu of them made forth shall have a like Currency, and shall bear the same Numbers, Dates, principal Sums, and Interest, as the Bills so cancelled.

The Commissioners of the Treasury may cause Bills for any large Sums, not exceeding 5,000 l. each, to be made forth, and placed as Cash in the Receipt of the Exchequer, in lieu of the like Value contained in the said Bills made forth for lesser Sums, which shall be in the said Receipt, and which shall be at the same Time cancelled, and kept on a File; and such new Bills shall have the same Currency, and carry the like Interest, &c.; and the same Penalties for any Offence relating thereto shall be incurred and inflicted, as if they had been originally issued for the said lesser Bills.

If any Person shall forge, &c. any Exchequer Bill before it be paid off and cancelled, or the Indorsement thereupon, or tender the

same in Payment or Exchange, knowing the same, or the Indorsement thereupon, to be forged, and with an Intent to defraud, he shall be adjudged a Felon without Benefit of Clergy.

The Money arising by this Act shall be applied towards paying off the Orders of Loan, and Interest thereof, in the Course and Manner prescribed, or shall be issued to such Paymaster as herein-after is mentioned, by way of Imprest and upon Account, for paying off the Exchequer Bills made forth by virtue of the Act, in the Course aforesaid, and towards paying the Interest quarterly that shall become due thereon, and the Charge of circulating and exchanging the said Bills; and towards such other Payments as are directed or allowed by the Act to be made thereout.

On Sept. 29, 1791, or within 10 Days after, the Commissioners of the Treasury shall cause a perfect Account to be taken, and attested by the proper Officers, of all the Monies raised by Loans and Bills towards the said 750,000 l. and how much shall have been discharged; and how much remain undischarged; which Account shall be publicly affixed in the Office of the Auditor of the Receipt in the Exchequer.

The Monies unsatisfied shall be paid out of the next Aid granted after Sept. 29, 1791, and be transferred thereunto; and if no such Aid shall be granted before March 24, 1792, the Monies undischarged, with the Interest, shall be charged upon the Consolidated Fund, (excepting the Monies thereof appropriated by former Acts of Parliament to other Uses), and such Monies of the said Consolidated Fund shall be issued accordingly for discharging the said Orders of Loan, and Interest thereon, and supplying Money to the Paymaster for discharging the unsatisfied Exchequer Bills in Course, with the Interest, as the Commissioners of the Treasury shall direct, till all the Principal and Interest be cleared, or Money sufficient be reserved for that Purpose; and if, before or after any Money of the Duties hereby granted shall be brought into the Exchequer, there shall be a Want of Money for paying any Interest or Premium grown due by virtue of the Act, it shall be supplied out of the Consolidated Fund, except as before excepted.

The Commissioners of the Treasury may appoint such Person and Persons as they shall think fit to be the Paymaster, to pay off the principal Sums which shall be in Course of Payment upon the said Bills, and the Interest quarterly to become due thereupon, till they shall all be discharged; and to pay the Premium; and to take in and put upon a File Bills paid off, and to do such other Matters in relation to the said Bills as to them shall seem



seem meet; all which Payments shall be made at an Office near the Exchequer; and they shall take Security from every Person so constituted, for the faithful Performance of his Office.

p. 172. The Commissioners of the Treasury, Once in every Week, or oftener, as any Money shall be brought into the Exchequer, shall, without any farther Warrant, issue the same, by way of Imprest, and upon Account, to such Paymaster, for the discharging the said Bills, and such other Payments as are to be made by him; and such Paymaster shall apply the same accordingly.

The Bills shall be registered in Course, according to their Numbers, and the Register shall lie open in the public Office of the Paymaster, and a Table to show how far the said Bills shall be in Course of Payment; and such Register and Table may be viewed by any Person without Fee; and the Bills shall be discharged in Course, and the Monies in the same Order be liable thereunto without undue Preference, and shall not be diverted to any Use other than by this Act appointed: But in case several Bills shall on the same Day be brought to be paid off, it shall not be interpreted undue Preference which of them the Paymasters pay first, so as they pay them all the same Day; and it shall not be interpreted undue Preference, if the Paymaster pay to Persons that bring their Bills in Course, before others that do not, so as such Money be reserved as will satisfy preceding Bills.

The Interest upon the said Bills shall cease from the Time that Money shall be reserved for discharging the same.

Paymasters shall be subject to such Inspection and Rules as the Commissioners of the Treasury shall think fit to establish for the better Execution of this Act, and Satisfaction of the Proprietors of the Bills.

p. 174. Paymasters, and their Comptrollers, shall have for their own Services, and of their Substitutes, and Charges incident to their respective Offices, such Salaries, &c. as Commissioners of the Treasury shall judge reasonable, and direct; and to be allowed upon the Accounts of the Paymasters.

The Commissioners of the Treasury may enter into Contracts for obliging Persons, who will voluntarily undertake the Service at their own Costs, to circulate and exchange for ready Money, at some public Office in London or Westminster, all Bills which shall be demanded during the Time of such Contracts, by paying in ready Money upon every such Demand, or within 24 Hours after, the principal Monies contained in every such Bill, and the Interest due thereupon, the said Contractors taking in the Bills so exchanged for their own Use, and being allowed 4*l.* 10*s.*

per Cent. per Ann. The Contracts to be made p. 175. in Writings, and registered in the Office of the Auditor, to endure for such Time as shall be agreed by the Contractors.

Such Contractors shall not, for that Cause only, be disabled from being Members of Parliament, or be adjudged liable to be Bankrupts.

Contractors, with Consent of the Commissioners of the Treasury, may, at any Time, after June 24, 1790, by Writing, to be affixed upon the Exchange of London, and Publication in the Gazette, direct the said Bills, or any Part of them, to carry a lower or higher Interest than 4*l.* 10*s.* per Cent. per Ann. for such Time or Times as shall be mentioned therein; and the Commissioners may, at the Request of such Contractors, make forth Bills without bearing any Interest; yet those Bills may be made to carry such Interest as the Contractors shall signify and declare by Publication as aforesaid. p. 176.

The Commissioners of the Treasury shall cause the Monies due to such Contractors to be paid out of the Monies which shall be issued to the Paymasters.

No Fee shall be taken by any Officers in the Exchequer, or their Substitutes, for any Thing to be done by them in pursuance of the Act; nor shall the Monies be misapplied by them, under the Penalties of the Act.

The Contractors or Paymasters shall not be obliged to pay Interest to any lesser Sum than One Penny. p. 177.

The Commissioners of the Treasury may pay, out of the Monies to arise of the said Duties, or of the Consolidated Fund, the necessary Charges of making forth new Exchequer Bills, and such other Charges as shall be necessarily incident for the Execution of the Act.

Monies issued out of the Consolidated Fund shall be replaced out of the first Supplies to be then after granted in Parliament.

In case Proof shall be made on Oath, before the Barons of the Exchequer, that any of the Bills made forth by virtue of the Act were by Casualty lost, burnt, or otherwise destroyed, before their coming in Course of Payment; and if, by the Party's Oath, the Number and Sums of such Bills shall be ascertained, and if the Barons shall certify that they are satisfied in such Proof, the Commissioners of the Treasury are to cause the Money due upon such Bills to be satisfied; provided the Persons receiving the Money give Security to pay into the Exchequer so much Money as shall be paid upon such Certificate, if the Bills lost, &c. be thereafter produced. p. 178.

Bills discharged shall be filed and cancelled, according to such Rules as the Commissioners of the Treasury shall, by Warrant, direct.

The

The Monies of the Consolidated Fund that are unappropriated shall go to the discharging the National Debts incurred before Dec. 25, 1716, in such Manner as shall be directed by Parliament, and to no other Use.

If the Monies arisen or to arise from the Malt Act of 28 Geo. III, by March 25, 1790, shall not be sufficient to discharge the Principal and Interest due, or to grow due, upon the Orders of Loan, or Bills made in pursuance of the said Act; the Deficiency shall be supplied out of the Monies arising from Loans or Exchequer Bills under this Act,

or any Aid granted for the Year 1790; and the Commissioners of the Treasury are to apply the same accordingly.

It is also enacted, That all Monies which shall be paid into the Exchequer after March 25, 1790, for Arrears on the Duties on Malt, &c. granted for the Service of the Year 1788, (after satisfying the Interest and Premiums due on the said Orders of Loan or Exchequer Bills), shall be applied in Aid of the Supplies granted for the Year 1790.

An ABSTRACT of an Act for taking off the Duties upon unwrought Tin exported to any of the Countries beyond the *Cape of Good Hope*.

*Anno tricesimo* GEORGII III. *Regis*.

## C A P. IV.

p. 183. THE Preamble sets forth, That the taking off the Duty on Tin exported beyond the *Cape of Good Hope*, will be highly beneficial to the Commerce of this Kingdom: It is therefore enacted, That, from March 1, 1790, no Duty of Customs shall be payable on unwrought Tin exported to any Place beyond the *Cape of Good Hope*.

p. 184. Provided the Exporter give Bond, in the Penalty of Double the Value of the Tin, with Condition that it shall be landed beyond the *Cape of Good Hope*; and such Bond shall be discharged on a Certificate from the chief Supercargo of the *East India Company*,

if the Tin shall be landed in *China*; or by the like Certificate from the Governor, or Two of the Council, at any of the Company's Settlements, if landed within any of those Settlements; or by the like Certificate from Two principal Merchants, if landed in any Place beyond the *Cape* where the Company have no Settlement or Supercargo; which Certificate shall be produced to the Collector or Comptroller of the Customs at the Port of Exportation, or to the Commissioners of the Customs in *England*, within 30 Months from the Date of the Bond.

An ABSTRACT of an Act for continuing the Term of so much of an Act, made in the Twenty-third Year of the Reign of His present Majesty, as relates to the rendering the Payment of Creditors more equal and expeditious in that Part of *Great Britain* called *Scotland*.

*Anno tricesimo* GEORGII III. *Regis*.

C A P. V.

- p. 187. THE Preamble recites 23 *Geo. III*, Cap. 18, which Act, so far as relates to the rendering the Payment of Creditors more equal and expeditious in *Scotland*, was to have Continuance for Seven Years: And states, that it is expedient that such Part of that Act should be continued for a further
- Term; it is therefore enacted, That the recited Act, so far as relates to the rendering the Payment of Creditors more equal and expeditious in *Scotland*, shall be further continued until *May 15, 1792*, and to the End of the then next Session.

An ABSTRACT of an Act for punishing Mutiny and Defertion; and for the better Payment of the Army and their Quarters.

*Anno tricesimo* GEORGII III. *Regis*.

C A P. VI.

- p. 191. IN the Preamble it is said, That keeping a Standing Army in Time of Peace (unless with Consent of Parliament) is unlawful: But, as it is judged necessary, by His Majesty and the Parliament, that a Body of Forces should be continued for the Safety of this Kingdom, the Defence of the Possessions of the Crown of *Great Britain*, and the Preservation of the Balance of Power in *Europe*; and that the whole Number of such Forces should consist of 17,448 effective Men, including 1,620 Invalids: And as during the late War some Part of His Majesty's Forces
- p. 192. exceeding the Numbers aforesaid have been employed in Parts beyond the Seas, which must render their Return home uncertain, when Part of them are intended to be broken or reduced: And as no Man can be fore-judged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgement of his Peers, and according to the known and established Laws of this Realm; yet it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, it is enacted, That every Officer or Soldier in the Army who shall, at any Time during the Continuance of this Act, begin, cause, excite, or join in, any Mutiny or Sedition, or shall not use his utmost Endeavours to suppress the same; or coming to the Knowledge of any Mutiny, or intended Mutiny, shall not give immediate Information to his Commanding Officer; or shall misbehave before the Enemy, or shamefully abandon any Fortrefs, &c. or shall compel or incite any Governor, &c. to do the like; or shall be found sleeping on his Post, or shall leave it before relieved; or shall hold Correspondence with any Rebel or Enemy, in any Manner without Licence; or shall
- p. 193.

shall strike, or use any Violence against his superior Officer, being in the Execution of his Office, or shall disobey his lawful Commands; he shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Any Non-commissioned Officer or Soldier who shall enlist in any other Regiment, &c. without a proper Discharge, shall be punished as a Deserter.

If any Soldier, in any Regiment, &c. shall desert the same, or shall, while serving therein, commit any Offence against this Act, or the Articles of War, he may be tried by a Court-martial, and punished in like Manner as if he had originally enlisted in, and of Right belonged thereto, notwithstanding it shall have been discovered that he had previously belonged to some other Regiment, &c. and had not been discharged therefrom: And if such Person shall be claimed by such other Regiment, &c. and be proceeded against as a Deserter therefrom, any subsequent Desertion may (unless he shall already have been tried for the same) be given in Evidence as an Aggravation of his Crime; previous Notice being always given to such Deserter of the Facts intended to be produced in Evidence upon his Trial.

His Majesty may grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within this Realm; and may also extend His Royal Warrant to any General Officer having the Chief Command of a Body of Forces within the same, authorising him to convene General Courts-martial; and may grant His Warrant to the Governor of *Gibraltar*, or any of His Majesty's Dominions beyond the Seas, or to the Commanders in Chief there, for convening General Courts-martial for the Trial of Offences committed by any of the Forces under their respective Command; all which General Courts-martial are to be constituted, and shall regulate their Proceedings according to the several Provisions herein-after specified.

Courts-martial may inflict Corporal Punishment, not extending to Life or Limb, on any Soldier, for Immoralities, Misbehaviour, or Neglect of Duty.

p. 195. No General Court-martial is to consist of less than 13 Commission Officers, (except in *Africa*, or in *New South Wales*, where it shall consist of not less than Five); and the President thereof shall not be the Commander in Chief or Governor of the Garrison where the Offender shall be tried; nor under the Degree of a Field Officer, unless where a Field Officer cannot be had; nor in any Case under the Degree of a Captain; and such Courts-martial are impowered and required to administer an Oath to every Wit-

ness. for Trial of the Offences that shall come before them.

In all Trials by General Courts-martial, every Member assisting at such Trial shall first take the following Oaths before the Court, and Judge-advocate, or his Deputy, in these Words; viz.

*YOU shall well and truly try and determine, according to your Evidence in the Matter now before you.*

So help you GOD.

*I A. B. do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act of Parliament now in Force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles, or Act of Parliament, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I further swear, That I will not divulge the Sentence of the Court, until it shall be approved by His Majesty, or by some Person duly authorized by Him; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:* p. 196.

So help me GOD.

When the said Oaths shall be administered to the respective Members, the President of the Court shall administer to the Judge-advocate, or his Deputy, an Oath in the following Words:

*I A. B. do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:*

So help me GOD.

No Sentence of Death shall be given by any General Court-martial, unless Nine Officers present concur therein, (except it be held in *Africa*, or *New South Wales*); and where the Court shall consist of more Officers than 13; and also in *Africa*, and *New South Wales*, when the Court shall consist of a less Number, the Judgement shall pass by the Concurrence of Two Thirds of the Officers present; and all Proceedings shall be between the Hours of Eight in the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

When.

p. 197. Whenever a Court-martial, upon the Trial and Conviction of a Non-commissioned Officer or Soldier for Desertion, shall not think the Offence deserving of capital Punishment, they may, instead of awarding a corporal Punishment, adjudge the Offender to serve as a Non-commissioned Officer or Soldier in any of the Corps stationed in any of His Majesty's Dominions beyond the Seas, for Life, or for a certain Term of Years, according to the Degree of the Offence: And if such Soldier shall afterwards, without Leave from the King, or his Commanding Officer, return into this Realm, or *Ireland*, before the Expiration of such Term, and be convicted by a Court-martial, he shall suffer Death.

The Party tried by any General Court-martial within *Europe* (except in *Gibraltar*) shall be entitled to a Copy of the Sentence and Proceedings of the Court, upon Demand thereof by himself, or by any other Person on his Behalf, (paying reasonably for the same), at any Time not sooner than Three Months: And in Trials at *Gibraltar*, at any Time not sooner than Six Months: And in Trials in His Majesty's other Dominions beyond the Seas, at any Time not sooner than 12 Months, whether such Sentences be approved or not.

p. 198. The Judge-advocate, or Person officiating as such at any General Court-martial, is to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of the Court to the Judge-advocate General in *London*; who is to preserve the same in his Office, that Copies thereof may be obtained by Persons intitled thereto, upon Application to the said Office.

No Proceedings of any General or Regimental Court-martial, nor any Entry or Copy thereof, shall be charged with any Stamp-duty.

No Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a Second Time for the same Offence; unless in the Case of an Appeal from a Regimental to a General Court-martial; and no Sentence given by any Court-martial, and signed by the President, shall be liable to be revised more than Once.

The Act does not exempt Officers or Soldiers from being proceeded against by the ordinary Course of Law.

Musters are to be accurately made of every Regiment, Troop, &c. Twice in every Year.

p. 199. Any Person giving or procuring a false Certificate to excuse any Soldier from Muster, or other Service, on Pretence of being employed on some other Duty of the Regi-

ment, or of Sickness, being in Prison, or on Furlough, is to forfeit 50 *l.* be cashiered, and disabled from holding any Military Office; and no Certificate shall excuse such Absence, but for the Reasons above mentioned, or One of them: And the Commissary is to set down, at the Time of taking the Muster, the Reason of such Absence, which shall be certified by the Commanding Officer at the Back of the Roll.

Officers making false Musters, and Commissaries, &c. signing such Muster-roll, or any Duplicate thereof, and also every Muster-master, or other Officer, who shall directly or indirectly take any Money, or other Gratuity, for mustering or signing the Muster-rolls, or any Duplicates thereof, on Proof by Oath of Two Witnesses before a General Court-martial, are to be cashiered, and disabled from holding any Employment.

Every Commissary, &c. is to give convenient Notice to the Mayor, &c. where the Soldiers to be mustered shall be quartered, who is to be present, and assist at the same, for discovering any false Muster, &c. and the Commissary not giving such Notice, or refusing such Assistance, is to forfeit 50 *l.* and be discharged from his Office, and no Muster-roll shall be allowed, unless signed by the Mayor, &c.: But if such Mayor, &c. shall not attend, or shall refuse to sign the Roll, without giving good and sufficient Reasons for the same, then the Commissary may muster such Regiment, &c. without incurring any Penalty; and the Muster-roll is to be allowed, though not signed as aforesaid, on Oath made, as soon as convenient after such Muster, before a Justice, that such Notice was duly given to the Mayor, &c.

If any Person shall be falsely mustered, or offer himself falsely to be mustered, on Proof by Two Witnesses on Oath before the next Justice, and the Commissary's or Chief Magistrate's Certificate, he may be committed to the House of Correction for 10 Days: And if any Person shall lend a Horse to be mustered, such Horse is to be forfeited to the Informer, if the same belong to the Person so lending; or otherwise the Offender is to forfeit 20 *l.* upon Oath by Two Witnesses before the next Justice, who shall levy the Fine by Distress and Sale of the Goods and Chattels of the Offender, rendering the Overplus; and if he have no sufficient Distress, or shall not pay the Penalty within Four Days after Conviction, he is to be sent to the Common Gaol, without Bail or Mainprize, for Three Months, or may be publicly whipped, at the Discretion of the Justice; and the Forfeiture shall go to the Informer, who shall, if belonging to the Service, be discharged, if he demands it.

Every



Every Commission Officer, Storekeeper, or Commissary, that shall embezzle or misapply, or wilfully, or through Neglect, suffer any Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores, to be spoiled, on Proof by Oath of Two Witnesses before a General Court-martial, shall be cashiered, and forfeit 100*l.* and shall make good the Damage as ascertained by the Court-martial at his own Expence; and the Court-martial may seize and sell the Goods and Chattels of the Offender for Payment of the Forfeiture and the Damage; and for want of sufficient Distress, may commit him to Prison, without Bail or Mainprize, for Six Months, and until he shall pay such Deficiency; and the Money, when recovered, shall be at His Majesty's Disposal.

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Every Commissary, &c. taking a Muster, is to make Oath before the Mayor or Chief Magistrate attending such Muster, if such Magistrate be a Justice, or otherwise before some other Justice for the County where the Muster shall be taken, or any adjoining County, (which Oath is to be administered without Fee), in the Manner and Form following; viz.

*I A. B. do swear, That I saw, at the Time of making the within Muster, such commissioned Officers, Non-commissioned Officers, and private Men, and Horses, as are borne, and not respited, on the Muster-roll (excepting those for whom a signed Certificate is indorsed thereon.)*

Which Oath the Commissary, &c. is to insert, and subscribe on the Back of the Muster-roll transmitted by him into the Office of the Commissary-general, and to insert in the Docket annexed to the Roll the Time and Place of the Muster.

If any Paymaster, Agent, &c. shall wilfully detain any Officer's or Soldier's Pay One Month, (Clothes and just Allowances deducted), or if any Officers having received their Soldiers Pay, shall refuse to pay each Non-commission Officer and Soldier their Pay, when due, at the Rate of 17*s.* 6*d.* per Week, for each Corporal of Light Horse; 14*s.* for every Trumpeter and Private Trooper; 9*s.* 11*d.* for each Dragoon; 9*s.* 4*d.* for each Serjeant; 6*s.* 2*d.* for each Corporal; 5*s.* for each Trumpeter and Drummer; 4*s.* for each Private Soldier of the Foot Guards; and 6*s.* for each Serjeant; 4*s.* 6*d.* for each Corporal and Drummer; and 3*s.* for each Foot Soldier of any other Regiment or Independent Company; and at the End of every Two Months, to account for 1*s.* per Week to each Serjeant, 2*d.* to each Corporal and Drummer, and 6*d.* to each Foot Soldier; then, on Proof before a

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Court-martial, such Paymaster, Agent, &c. so offending, to be discharged from his Employment, and forfeit to the Informer, on Conviction, 100*l.* and if a Soldier, he may be discharged; and the Commanding Officers of the Three Regiments of Foot Guards may make the same Stoppage from each Serjeant, Corporal, Drummer, and Foot Soldier, and account for the same at the End of every Two Months, in the same Manner as is directed for the Marching Regiments.

The Agents of the several Regiments and Independent Troops and Companies, are to observe His Majesty's Directions, under His Sign Manual, or those of the Lord Treasurer, &c. and, upon Refusal or Neglect, they shall be discharged and disabled.

Officers mustering any Person by a wrong Name, knowingly, are to suffer as in Case of false Musters.

During the Act, the Constables, Tithingmen, and other Chief Officers and Magistrates, and, in their Default or Absence, any One Justice, and no others, may quarter Soldiers in Inns, Livery Stables, Alehouses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses, or Places thereunto belonging; other than and except Persons who keep Taverns only, being Freemen of the Vintners Company of London, who were admitted to their Freedom before July 5, 1757, or who since have been, or shall hereafter be, admitted to their Freedom in the said Company in Right of Patrimony or Apprenticeship, notwithstanding such Persons who keep Taverns only have taken out Victualling Licences; and all Houses selling Brandy, &c. by Retail (Distillers Houses, and Shopkeepers, whose principal Dealings shall be more in other Goods than Brandy, &c. and who do not permit Tippling in their Houses, and all private Houses, excepted), but may not order more Billets than there are effective Soldiers; all which Billets shall be delivered to the Commanding Officer present; and if any Soldiers be billeted on private Houses without the Owners Consent, such Owners may have their Remedy at Law. Any Military Officer quartering Soldiers any otherwise than allowed, or using any Menace to the Civil Officers, tending to deter or discourage them from performing any Part of their Duty, being thereof convicted before Two or more Justices, by the Oath of Two Witnesses, is to be cashiered, and disabled; provided the Conviction be affirmed at the next Quarter Sessions, and a Certificate thereof transmitted to the Judge-advocate, who is to certify the same at the next Court-martial. Persons aggrieved in the quartering of Soldiers may complain

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*p. 207.* complain to the Justices; and the Justices may order so many of the Soldiers to be removed as they shall see Cause.

No Justice of the Peace having any Military Office in *England*, may, during this Act, be concerned in quartering Soldiers under his immediate Command; but all Warrants executed by him concerning the same are to be void.

Officers and Soldiers billeted as aforesaid shall be received and furnished, where they are billeted, with Diet and Small Beer, paying for the same, as after-mentioned, out of their Subsistence-money.

*p. 208.* But if any Innholder, &c. would rather furnish the Persons quartered on him with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Five Pints *per Diem*, gratis, and allow them the Use of Fire, and Necessaries for dressing and eating their Meat, giving Notice to the Commanding Officer, and performing the same; Non-commissioned Officers and Soldiers shall provide their own Victuals, and shall be paid their Subsistence-money, and not the Innholders, &c. on whom they are quartered; except on a March, or Recruiting, and Recruits, &c.

Officers taking Money to excuse the quartering of Soldiers, are to be cashiered and incapacitated.

Wherever Horse or Dragoons shall be quartered, the Men and their Horses shall be billeted in the same House (except in case of Necessity); but in no Case there shall be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men with Four Horses; and so in Proportion for any greater Number.

*p. 209.* Commanding Officers may remove or exchange Men and Horses with others quartered in the same Town, provided the Numbers so exchanged are equal; and the Constables, Tithingmen, and other Officers and Magistrates, where Troops are quartered, are to billet accordingly the Men and Horses so exchanged.

Officers, Men, and Horses, belonging to the Horse, or Dragoons, shall be quartered in the same Manner as the Officers and Soldiers aforesaid; and shall be received and furnished, where they are billeted, with Diet and Small Beer, and with Stables, and Hay and Straw for their Horses, paying for the same, as after mentioned, out of their Subsistence-money.

*p. 210.* But if any Horse, or Dragoons, are billeted on Persons who have no Stables, any Two Justices may, on Complaint thereof, quarter them where there are Stables; to the Owners of which, a reasonable Allowance

shall be made for such quartering, by the Persons from whom such Horse, &c. are removed.

If any Non-commission Officers or Soldiers have either Wife, Child, or Children, any Two Justices of the County, Town, or Place, where they are quartered, may summon them to make Oath of the Place of their last legal Settlement; and such Non-commission Officers and Soldiers shall obey such Summons, and make Oath accordingly; and the same is to be admitted, before any Justice, or any Quarter Sessions, in Evidence of such Settlement; and the Justices shall give an attested Copy thereof to the Party, to be delivered to the Commanding Officer, to be produced when required; and being summoned again, he shall not take another Oath with regard to his Settlement, but leave a Copy of the former, if required.

Officers and Soldiers are to be quartered in *Scotland* as by the Laws there in Force at the Time of the Union; and no Officer may be obliged to pay for his Lodgings where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

No Paymaster-general, or any other Officer whatsoever, or their Under-officers, after *March 24, 1790*, may receive any Fees, or make Deduction out of Officers or Soldiers Pay, except the usual Deductions for Clothing, and the 12 *d.* in the Pound, to be disposed of as His Majesty thinks fit, and One Day's Pay in the Year for *Chelsea Hospital*, and such other Deductions as shall be directed under His Royal Sign Manual.

The Treasury may, at the End of every Two Months, issue the Money for Clothes, &c. notwithstanding the Muster-roll be not duly returned; and the Paymaster may make Deductions of the Offreckonings, and pay the same to such Persons only as have regular Assignments for Clothes by them delivered: But if no such Assignments appear, the Offreckonings are to remain in the Paymaster's Hands till a new Contract for Clothing.

Every Officer who actually receives the Pay for a Regiment, &c. is immediately to give Notice to the Innkeepers, &c. to repair to their Quarters at the Times appointed for Distribution of the Pay, &c. which is to be within Four Days at the furthest after Receipt; and the Innkeepers, &c. Accounts are to be first paid, before any Part of the Pay shall be distributed either to Officers or Soldiers; provided such Accounts exceed not, for a Commission Officer of Horse, under the Degree of a Captain, for Diet and Small Beer, *per Diem*, 2 *s.*, nor for a Commission Officer of Dragoons under the Degree of a Captain,

Captain, 1*s.*; nor for a Commission Officer of Foot under the Degree of a Captain, for Diet and Small Beer, 1*s.*; and for each Horse, 6*d.*; nor for One Light Horseman's Diet, and Hay and Straw for his Horse, 1*s.*; nor for one Dragoon's Diet, and Hay and Straw for his Horse, 1*s.*; nor for one Foot Soldier's Diet, &c. 4*d.*: And if Notice be not given, and such Accounts not immediately paid; upon Complaint and Oath made by Two Witnesses at the next Quarter Sessions, the Paymaster (upon the Justices Certificate of the Sum due on such Accounts, &c.) is to pay the said Sums out of the Officer's Arrears, on Penalty of Disability, &c.; but if no Arrears shall be due, then the Paymasters are to deduct the Sums to be paid, pursuant to the Justices Certificate, out of the next Pay of the Regiment; and the Officer shall be cashiered. Where Quarters cannot be paid as the Act directs, and Horse, Foot, &c. are upon their March, so that no present Subsistence can be remitted, &c. in such Case, every Officer may make up his Accounts, and give a Certificate by him signed to the Party to whom such Money is due, with the Name of the Regiment, that it may be transmitted to the Paymaster, who is immediately to make Payment thereof, under Pain as is before directed for Nonpayment of Quarters.

p. 215. No Muster may be made in *Westminster*, or *Southwark*, or the Liberties thereof, but in Presence of Two or more Justices, not being Officers of the Army, under the aforementioned Penalty, unless the Justices, on 48 Hours Notice given to Six of them, refuse to attend; of which, Oath is to be made in 48 Hours after, &c.: And the Justices are to sign the Muster-rolls, and to examine into the Truth thereof before they sign the same.

Constables, &c. may quarter the Officers and Soldiers of the Foot Guards in *Westminster*, &c. in such Houses only as by the Act are limited (*London* excepted) during its Continuance: And when Orders are issued for quartering Soldiers in *Westminster*, &c. the High Constable shall deliver his Precepts to the Petty Constables, Headboroughs, or

p. 216. Tithingmen, to billet them properly in the several Districts; and they are to billet them accordingly.

The Petty Constables, &c. shall deliver on Oath, signed with their own Hands, to the Justices, at every Quarter Sessions, Lists of the Houses and Persons obliged to receive such Officers and Soldiers; also the Number of Officers and Soldiers billeted on each House: The Lists to remain with the Clerks of the Peace, to be inspected by any Person without Fee; and the Clerk shall write Copies for all who demand them, at 2*d.* per

Sheet, containing 150 Words; and if any p. 217. Petty Constable, &c. neglect to deliver such Lists, or shall deliver defective Lists, either in relation to the Number of Houses, or Names of the Officers and Soldiers quartered at each House, he shall forfeit for each Offence 5*l.* to the Use of the Poor of the Parish, &c. to which they belong; to be levied by Distress and Sale, by Warrant from any Justice in *Middlesex* or *Westminster*, (which Warrants the Justices are hereby obliged to grant), and for Want of sufficient Distress, then to imprison the Offender, not more than Three Months, nor less than One, at the Justices Pleasure.

The Deputy Commissary General, upon every half-yearly Muster, at any Place Ten Miles distant from *London*, is to close the Rolls within 24 Hours after the Muster is taken, and return the Rolls, within Seven Days after their being closed, to the Commissary General, who shall transmit One Set to the Secretary at War, One to the Paymaster General, and One to the Comptrollers of Accounts, on or before May 1, and Sept. 29, respectively following: And no Alteration shall be made in the said Rolls, except in case of Orders of Leave, or Dates of Commissions, or involuntary Errors, or literal Mistakes, on Forfeiture of Employment, and 20*l.* for every Offence.

All Justices within their several Counties, &c. upon Order from His Majesty, or the General of the Forces, or the Master-general or Lieutenant-general of the Ordnance, are to issue out Warrants to the Constables, &c. to make Provision for Carriages, with able Men to drive the same, &c. for the Forces in their Marches, allowing sufficient p. 219: Time, that the neighbouring Parts bear not always the Burden; and the Officers are to pay to the Constable, 1*s.* per Mile for every Waggon that travels with Five Horses; 1*s.* per Mile for every Wain with Six Oxen, or Four Oxen and Two Horses; 9*d.* per Mile for every Cart with Four Horses; and so proportionably for less Carriages; for which the Constable is to give a proper Receipt: And the Constables may appoint such Persons as they shall think proper to furnish such Carriages: And if any Military Officer force any Carriage to travel above One Day's Journey, and do not discharge the same in due Time, &c. or suffer any to ride therein (except such as are sick), or force any Constable, &c. by Threats, to provide any Saddle Horses, or force Horses from their Owners; he shall forfeit 5*l.* (Proof being made on Oath before Two Justices, and they certifying of it to the Paymaster), to be deducted out of his Pay.

Constables, &c. not executing such Warrants,

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rants, or any other Person hindering the Execution thereof, are to forfeit not exceeding 40*s.* nor less than 20*s.* to the Poor of the Parish; to be determined by Two Justices of the Peace, and levied by Distress and Sale.

p. 221. The Treasurers of the County are to pay the Constables all reasonable Sums laid out for Carriages, above what was or ought to have been paid by the Officer, out of the Publick Stock, according to the Justices Directions; Regard being always had to the Season of the Year, and the Length and Condition of the Ways such Carriages are to travel.

If the Publick Stock be not sufficient, the Justices at the General Quarter Sessions are to raise Money in the same Manner as for County Gaols and Bridges, to satisfy the extraordinary Charges.

p. 222. No Waggon, &c. shall be obliged to carry above 30 Hundred Weight, by virtue of this Act.

Carriages for the Service of the Forces quartered or marching in *Scotland*, are to be provided and paid at the Rates, and in such Manner as by the Laws in Force in *Scotland* at the Time of the Union.

Officers, Civil or Military, quartering Wives, Children, Men or Maid Servants, of any Officer or Soldier in any House against the Owner's Consent; upon Complaint, if Officers, &c. are to be cashiered; and if a Constable, &c. he shall forfeit 20*s.* to be levied by Distress and Sale.

p. 223. If any Officer or Soldier, after March 24, 1790, without Leave of the Lord of the Manor, shall destroy any Hare, Coney, Pheasant, Partridge, Pigeon, Fowls, Poultry, or Fish, or His Majesty's Game, and be convicted before any Justice, such Officer shall forfeit 5*l.* to the Poor; and for every Offence committed by any Soldier, 20*s.*; and such Officer not paying the said Penalties within Two Days is to forfeit his Commission.

Every Non-commission Officer convicted at a General or Regimental Court-martial of having embezzled or misapplied any Money with which he shall have been intrusted for the Payment of the Men under his Command, or for enlisting Men, shall be reduced to serve in the Ranks as a private Soldier, be put under Stoppages until the Money be made good, and suffer such Corporal Punishment (not extending to Life or Limb), as the Court shall think fit.

p. 224. Constables, &c. may take up any Person suspected to be a Defenter, and bring him before a Justice; and if, upon Examination, &c. it shall be found that he is a listed Soldier, and ought to be with his Troop or Company, the Justice shall cause him to be

conveyed to the County Gaol, &c. or to the *Savoy*, if taken up within the Cities of *London* or *Westminster*, or Places adjacent; and transmit an Account thereof to the Secretary at War, that he may be proceeded against according to Law; and the Keeper of the Gaol shall receive the full Subsilience of such Defenter for his Maintenance while he shall be in Custody, but shall not be intitled to any Fee for his Imprisonment; and the Keepers of County Gaols, &c. are required to receive Defenters on the Road from the Place where they were apprehended to the Place to which they are to be conveyed.

And to encourage any Person to secure Defenters, the Justice is to issue his Warrant to the Collector of the Land Tax Money, for Payment of 20*s.* for every such Defenter, to the Person who secured him, out of the Money arisen, or to arise, in the Year 1790. p. 225.

Persons concealing any Defenter shall forfeit 5*l.* and those who shall detain, buy, exchange, or receive, from any Soldier, Defenter, or other Person, any Arms, Clothes, Furniture, &c. belonging to the King, or any Articles commonly deemed Regimental Necessaries, or shall change the Colour of such Clothes, are to forfeit 5*l.* to be levied by Distress; One Moiety of either Penalty to be paid to the Informer, and the other to the Officer to whom such Soldier did belong; and if any Person convicted of harbouring any Defenter, or of having received Arms, Clothes, &c. belonging to the King, shall not have sufficient Goods whereon to levy p. 226. the Distress, or shall not pay the Penalties in Four Days, the Justice may commit him to the Common Gaol for Three Months, or cause him to be publicly whipped.

No Officer may break open any House to search for Defenters without a Warrant from One or more Justices, on Forfeiture of 20*l.*

His Majesty may make Articles of War for the better Government of his Forces:

And for bringing Offenders against such Articles to Justice, His Majesty may constitute Courts-martial, with Power to try any Crime by such Articles, and inflict Penalties by Sentence or Judgement of the same, as well in *Great Britain*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as in the Garrison of *Gibraltar*, and other His Dominions beyond the Seas.

No Officer or Soldier shall, by the said Articles, be subjected to any Punishment extending to Life or Limb, within *Great Bri-* p. 227.  
*tain*, *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the Isles thereto belonging, except for Crimes expressed to be so punishable by the Act, &c.

If

If any Officer or Soldier beyond the Seas shall commit any of the Offences triable by Courts-martial by virtue of this Act, and shall come or be brought into this Realm, or into *Jersey, Guernsey, Alderney, Sark, or Man*, before he be tried for the same, he shall be tried and punished as if the Offence had been committed within this Realm.

No Person acquitted or convicted of Capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be punished for the same by a Court-martial, otherwise than by cashiering.

When Officers or Soldiers shall be accused of Capital Crimes, Violences, or Offences, punishable by Law, the Commanding Officer, on Application to him made, is to use his utmost Endeavour to deliver over the accused Person to the Civil Magistrate, and to be aiding and assisting to the Officers of Justice in apprehending the Offender, in order to bring him to Trial; and any Commanding Officer refusing to deliver over any accused Person, or to be assisting to the Officers of Justice, being convicted thereof, before Two Justices of the Peace, by the Oath of Two Witnesses, shall be cashiered; provided the Conviction be affirmed at the next Quarter Sessions, and a Certificate transmitted to the Judge-advocate, who is to certify the same to the next Court-martial.

Every Paymaster, Agent, &c. liable to account with the Executors of Officers or Soldiers for their Pay, shall, on Demand made by such Executors, deliver a just Account of such Money as he shall have received for such Officer or Soldier; such Executor paying for the same; and shall account with them for the same, on Forfeiture of the like Penalties as are appointed by the Act for not giving the Accounts of the Pay of such Officers and Soldiers to themselves.

Persons sued upon the Act may plead the General Issue; and if Judgement be given for them, may recover Treble Costs, for which they may have the like Remedy as in other Cases where Costs are given.

All Suits for any Matter or Thing done in pursuance of the Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, shall be brought in some of the Courts of Record at *Westminster*, or the Court of Session in *Scotland*.

For such Offences as shall be committed against the Act 1 Geo. I. *For the more effectual and exemplary Punishment of such Persons as shall seduce Soldiers to desert, &c. in England*, the Penalties thereby directed may be sued for in any of the Courts at *Westminster*; and for the like Offences in *Scotland*, may be sued for in the Court of Exchequer there;

and within *Guernsey, Alderney, Sark*, and the Islands thereto belonging, in the Royal Courts of *Guernsey*; and within *Jersey*, in the Royal Court there; and within *Man*, in any of the Courts of Record there, or at *Westminster*.

No Volunteer shall be liable to be taken out of His Majesty's Service by any Process or Execution (other than for some criminal Matter), unless for a real Debt, or other just Cause of Action; and unless, before the taking out such Process or Execution, (not being for a criminal Matter), the Plaintiff, or some other Person in his Behalf, make Affidavit before a Judge of the Court out of which such Process shall issue, That, to his Knowledge, the original Sum, justly due to the Plaintiff from the Defendant, in the Action on which the Process shall issue, over and above all Costs of Suit, amounts to 20*l.* at least; a Memorandum of which Oath is to be marked on the Back of the Process or Writ, for which no Fee shall be taken: And if any Person shall be arrested contrary to the Intent of the Act, any Judge of such Court, on Complaint made by the Party himself, or by his superior Officer, may examine into the same on Oath, and discharge such Soldier without Fees, on due Proof that such Soldier was legally listed, and arrested contrary to the Intent of the Act, and may award reasonable Costs; for Recovery whereof he shall have like Remedy as a Plaintiff might have had for his Costs, in case Judgement had been given for him.

Plaintiff, on Notice given in Writing of the Cause of Action to such Person, or left at his last Place of Residence before listing, may file a common Appearance in any Action to be brought for any Debt, so as to entitle him to proceed therein to Judgement and Outlawry, and to Execution other than against the Body of him so voluntarily listed.

No Soldier being arrested or confined for Debt in any Prison, shall be intitled to any Part of his Pay from the Day of such Arrest or Confinement, until the Day of his Return to the Regiment.

If any High Constable, &c. who, by virtue of the Act, shall be employed in quartering or billeting Officers or Soldiers, shall neglect their Duty herein, after sufficient Notice hath been given before the Arrival of such Troops, or shall receive or agree for any Money or Reward to excuse any Person from quartering Soldiers; or if any Vic-tualler, or other Person liable, shall refuse to receive any Soldiers, or to furnish them as required by the Act, and be thereof convicted, before One or more Justices, either by



p. 233. by Confession or by Oath, every such High Constable, or other Person, is to forfeit the Sum of 5*l*. (or any Sum not exceeding 5*l*. nor less than 40*s*. at the Discretion of the Justice), to be levied by Distress and Sale, by Warrant of such Justices, to be directed to any other Constable within the County, &c. or to any of the Overseers where the Offender shall dwell; the said Sum to be applied, first, in making Satisfaction to any Soldier for Expences occasioned by his not being billeted, and the Remainder to be paid to the Overseers, for the Use of the Poor of the Parish.

p. 234. Any One or more Justices may, by Warrant, command any High Constable, Constable, &c. to give an Account in Writing of the Number of Officers and Soldiers billeted by them, and also of the Names of the Persons on whom they are billeted, with the Street or Place where they dwell; and the Signs, if any; that it may appear where the Officers and Soldiers are quartered, the better to prevent or punish all Abuses in billeting them.

Where any Troops or Parties upon Command have Occasion to pass regular Ferries in *Scotland*, the Commanding Officer may either pass over with his Party as Passengers, or hire the Ferry-boat entire, debarring others for that Time, in his Option; if he chuse to take Passage as Passengers, he is only to pay for himself, and for each Person under his Command, Half of the ordinary Rate payable by single Persons at such Ferry; and if he hire the Ferry-boat for himself and Party, he is to pay Half only of the ordinary Rate for such Boat; and where there are no regular Ferries, Officers, with or without Parties, are to agree for Boats as others do in the like Cases.

p. 235. After *March 24, 1790*, any Person enlisted as a Soldier for His Majesty's Land Service, shall, within Four Days, but not sooner than 24 Hours, after such Enlisting, be carried before the next Justice of the Peace, or Chief Magistrate of a City or Town Corporate, (not being an Officer in the Army), and may declare his Dissent to such Enlisting before him; and on such Declaration, returning the enlisting Money, and paying 20*s*. for the Charges expended on him, he shall be forthwith discharged in Presence of such Justice or Chief Magistrate; but if he do not within 24 Hours return such Money, he shall be deemed to be enlisted, as if he had given his Assent thereto before the Justice or Chief Magistrate. If the Person declare that he voluntarily enlisted himself, the Justice or Chief Magistrate is required forthwith to certify under his Hand, that such Person is duly enlisted, setting forth

the Place of his Birth, Age, and Calling, if known, and that the Second and Sixth Sections of the Articles of War against Mutiny and Desertion were read to him; and that he has taken the Oath mentioned in the said Articles of War; and if any Person so certified as duly enlisted shall refuse to take the said Oath of Fidelity before such Justice or Chief Magistrate, the Officer from whom he hath received such Money as aforesaid may detain and confine him till he shall take it; and every Military Officer acting contrary hereto, shall incur the like Penalty and Forfeiture as is by the Act to be inflicted on any Officer for making false Muster; to be recovered in the same Manner as any Penalties are by the Act to be recovered.

If any Person shall receive the Enlisting Money from an Officer, knowing it to be such, and shall abscond, or refuse to go before such Justice or Chief Magistrate, in order to declare his Assent or Dissent as aforesaid, he shall be deemed to be listed; and may be proceeded against, as if he had taken the Oath directed by the said Articles of War to be taken before such Justice or Chief Magistrate.

Offences committed against any Act for punishing Mutiny and Desertion, &c. or the Articles of War, may be tried, determined and punished, by the same Means as the like Offences committed against the present Act.

But no Person is liable to be tried or punished for any Offence against any former Act, or Articles of War, which shall appear to have been committed Three Years before the issuing of the Commission or Warrant for such Trial; unless the Person accused, by Reason of Absence, &c. shall not have been amenable to Justice.

Officers and other Persons employed in the Trains of Artillery, Officers serving in the Corps of Royal Engineers, Officers and Persons serving in the Corps of Royal Military Artificers and Labourers, and all Master Gunners and Gunners who are under the Ordnance, shall be subject to the Penalties and Punishments of this Act.

Officers and Soldiers raised in the *British* Provinces in *America*, by Authority of the respective Governors or Governments there, being mustered and in Pay, whenever they join and act in Conjunction with His Majesty's *British* Forces, shall be liable to the same Trials, Penalties, and Punishments, as the *British* Forces are subject to.

Officers and Soldiers of the *American* Troops sent over to *Great Britain* are to be quartered as the *British* Forces, in the same Manner, and under the same Regulations and Penalties, in all Respects.

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In case any Person shall be convicted of any Offence by which he is subjected to a pecuniary Penalty, the following shall be the Form of Conviction :

Middlesex. **{** *BE it remembered, That on the*  
*Day of* *in the*  
*Year of our Lord* *at* *in the County*  
*above said, A. B. came before us C. D. and*  
*E. F. Two of His Majesty's Justices of the* p. 242.  
*Peace in and for the said County, and informed*  
*us, upon Oath, that G. H. of* *on the*  
*Day of* *now last past, at* *in the said*  
*County, did (here set forth the Fact in the*  
*Manner described in the Statute); where-*  
*upon the said G. H. after being duly summoned*  
*to answer the said Charge, appeared before us*  
*the said Justices on* *Day of*  
*at* *in the said County, and having heard*  
*the Charge contained in the said Information,*  
*declared that he was not guilty of the said*  
*Offence; but the same being fully proved upon*  
*Oath of I. K. a credible Witness, it manifestly*  
*appears to us the said Justices, that he the said*  
*G. H. is guilty of the said Offence charged*  
*upon him in the said Information. It is there-*  
*fore*

fore considered and adjudged by us, the said Justices, that he the said G. H. be convicted; and we do hereby convict him of the Offence aforesaid; and we do hereby declare and adjudge that the said G. H. hath forfeited the Sum of of lawful Money of Great Britain, for the Offence aforesaid, to be distributed as the Law directs, according to the Statute in that Case made and provided.  
Given, &c.

This Act shall continue in Force, within Great Britain, from March 24, 1790, until March 25, 1791; and in Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, from April 30, 1790, until May 1, 1791; and within the Garrison of Gibraltar, and His Majesty's other Dominions beyond Sea, from March 24, 1791, until March 25, 1792. p. 243.

## An ABSTRACT of an Act for the Regulating of His Majesty's Marine Forces while on Shore.

Anno tricesimo GEORGII III. Regis.

### C A P. VII.

p. 247. **I**N the Preamble it is said, That it may be necessary, for the Safety of this Kingdom, and the Defence of the Possessions of the Crown of Great Britain, that a Body of Marine Forces should be employed in His Majesty's Fleet and Naval Service, under the Direction of the Commissioners of the Admiralty; and that the said Forces may frequently be quartered on Shore, where they will not be subject to the Laws relating to the Government of His Majesty's Forces by Sea; yet it is requisite, for the retaining them in their Duty, that an exact Discipline be observed; and that Marines who shall mutiny, or stir up Sedition, or shall desert, be brought to a more exemplary and speedy Punishment than the Law will allow; it is therefore enacted, That, after March 25, 1790, during the Continuance of this Act, if any Person entered and in Pay as a Marine Officer or Private Man, and being ordered and employed in such Service on Shore in Great Britain, or in any other of His Majesty's Dominions, shall begin, cause, excite, or join in, any Mutiny or Sedition, or shall not use his utmost Endeavours to suppress the same; or coming to the Knowledge of any Mutiny, or intended Mutiny, shall not give immediate Information thereof to his Commanding Officer; or shall desert, or list in any other Regiment, &c. without a Discharge; or shall be found sleeping on his Post, or shall leave it before relieved; or shall hold

Correspondence with any Rebel or Enemy, or give them Advice or Intelligence in any Manner or Way, or shall treat with, or enter into any Condition with them, without Licence; or shall strike, or use any Violence against his superior Officer, being in the Execution of his Office, or shall disobey his lawful Commands; he shall suffer Death, or such other Punishment as by a Court-martial shall be inflicted.

The Lord High Admiral, or Three or more of the Commissioners for executing the said Office, may grant a Commission to any Officer of Marines, not under the Degree of a Field Officer, for holding General Courts-martial at any Place or Places on Shore, within this Realm, or in any other of His Majesty's Dominions; in which Courts-martial the Offences aforesaid, and all other Offences herein after specified, shall be tried and proceeded against as the Act directs.

Courts-martial may inflict Corporal Punishment, not extending to Life or Limb, on any Marine, for Immoralities, Misbehaviour, or Neglect of Duty, on Shore, within this Realm, or in any other of His Majesty's Dominions.

The Lord High Admiral, &c. may establish Rules for the Punishment of Mutiny and Desertion, Immorality, Misbehaviour, and Neglect of Duty, in any of the Marine Forces, while on Shore, in any Part of this Realm, or in any other of His Majesty's Dominions, and for bringing Offenders

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ers to Justice, and may constitute Courts-martial, with Power to try and determine any Offences specified in such Rules, and inflict Punishments for the same.

But none shall be adjudged to suffer any Punishment extending to Life or Limb, by the said Rules, within Great Britain, except for Crimes expressed to be so punishable by this Act.

No General Court-martial is to consist of less than 13, whereof none to be under the Degree of a Commission Officer; and the President thereof shall not be under the Degree of a Field Officer of Marines, unless where such Field Officer cannot be had; in which Case, the Officer next in Seniority, not being under the Degree of a Captain, shall preside; and such Courts-martial are empowered and required to administer an Oath to every Witness, in the Trial of the Offences that shall come before them.

In all Trials by General Courts-martial, every Member assisting at such Trial shall first take the following Oaths before the Court, and Judge-advocate, or his Deputy, in these Words; viz.

o. 251. *I O* shall well and truly try and determine, according to the Evidence which shall be given in the Matter now before you, between our Sovereign Lord the King's Majesty and the Prisoner to be tried:

So help you G O D.

*I A. B. do swear, That I will duly administer Justice according to an Act of Parliament now in Force for the Regulation of His Majesty's Marine Forces while on Shore; and according to the Rules and Articles made in pursuance of the said Act of Parliament for the Punishment of Mutiny and Desertion, and other Crimes therein respectively mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, (which is not explained by the said Act of Parliament, or the said Rules and Articles), according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases. And I further swear, That I will not divulge the Sentence of the Court, until it shall be approved by the Lord High Admiral, or Three or more of the Commissioners for executing the Office of Lord High Admiral of Great Britain; neither will I upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:*

So help me G O D.

When the said Oaths shall be administered to the respective Members, the President of

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the Court shall administer to the Judge-advocate, or his Deputy, an Oath in the following Words:

*I A. B. do swear, That I will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, in a due Course of Law:*

So help me G O D.

And no Sentence of Death shall be given by any General Court Martial unless Nine Officers present concur; and if there be more Officers than 13, the Judgement shall pass by the Concurrence of Two Thirds of the Officers present; and all Trials and Proceedings shall be between the Hours of Eight in the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

The Party tried by any General Court-martial shall be entitled to a Copy of the Sentence and Proceedings of the Court, upon Demand thereof by himself, or by any other Person on his Behalf, (paying reasonably for the same), at any Time not sooner than Three Months after Sentence, whether such Sentence be approved or not.

The Judge-advocate, or Person officiating as such at any General Court-martial, is to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence of the Court to the Secretary of the Admiralty, who is to preserve the same in his Office, that Copies thereof may be obtained by Persons intitled thereto, upon Application to the said Office.

No Officer or Private Man, being acquitted or convicted of any Offence at a Court-martial, shall be liable to be tried a Second Time for the same Offence; and no Sentence given by any Court-martial, and signed by the President, shall be liable to be revised more than Once.

If any Officer or Private Man shall desert His Majesty's Service beyond the Seas, and escape or be brought into this Realm, before he be tried, and shall be apprehended for the same; he shall be tried as if the Offence had been committed within this Realm.

No Officer or private Man, while on Shore, shall be exempted from being proceeded against by the ordinary Courle of Law.

No Person acquitted or convicted of Capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be punished for the same by a Court-martial, otherwise than by cashiering.

When

When Officers or Private Men shall be accused of Capital Crimes, Violences, or Offences, punishable by Law, the Commanding Officer of the Company or Party, on Application to him made, is to use his utmost Endeavour to deliver over the accused Person to the Civil Magistrate, and to be aiding and assisting to the Officers of Justice in apprehending the Offender, in order to bring him to Trial; and any Commanding Officer refusing to deliver over any accused Person, or to be assisting to the Officers of Justice, being convicted thereof, before Two or more Justices of the Peace for the County where the Fact is committed, by the Oath of Two Witnesses, shall be cashiered, and be disabled to hold any Civil or Military Office or Employment in this Kingdom, or in His Majesty's Service; provided the Conviction be affirmed at the next Quarter Sessions of the said County, and a Certificate thereof transmitted to the Judge-advocate, who is to certify the same to the next Court-martial.

p. 254.

The Lord High Admiral may direct the Paymaster of Marines to pay over to the proper Receiver the full Pay of such fictitious Private Men as shall be allowed by His Majesty's Sign Manual on the Muster-rolls of the said Forces while on Shore, towards the Maintenance of the Widows of Officers who have lost their Lives in the late War, or during the late Rebellion; and no Allowance of such fictitious Names on the Muster-roll shall be deemed a false Muster.

p. 255.

During the Act, the Constables, Tithing-men, and other Chief Magistrates, within England, Wales, and Berwick upon Tweed, and, in their Default or Absence, any One Justice, and no others, may, in pursuance of any Order from the Lord High Admiral, quarter Officers, and private Men, in Inns, Livery Stables, Alehouses, Victualling-houses, and the Houses of Sellers of Wine by Retail to be drank in their own Houses, or Places belonging thereunto; and all Houses selling Brandy, Strong Waters, Cyder, or Metheglin, by Retail, (except in Distillers Houses, and Shopkeepers whose principal Dealings shall be more in other Goods than in Brandy, &c. and who do not permit Tippling in their Houses), and in no other; all private Houses excepted, without the Consent of the Occupier; but may not order more Billets than there are effective Men to be quartered; and if any Officer or

p. 256.

Private Man be billeted on any private House without the Occupier's Consent, such Occupier may have Remedy at Law against the Magistrate or Constable for the Damage he shall sustain thereby; and any Marine

Officer quartering Private Men otherwise than is allowed by the Act, or using any Menace or Compulsion to the Civil Officers, tending to deter them from their Duty, being thereof convicted before Two or more Justices, by the Oath of Two Witnesses, is to be cashiered, and disabled; provided the Conviction be affirmed at the next Quarter Sessions, and a Certificate thereof transmitted to the Judge-advocate, who is to certify the same to the next Court-martial. Persons aggrieved by an over Number quartered on them, may complain to Two or more Justices; and the Justices may order so many of the Marines to be removed to other Quarters as they shall see Cause.

p. 260.

Officers and Private Men, billeted as aforesaid, shall be received and furnished with Diet and Small Beer, paying for the same, as after-mentioned, out of their Subsistence-money.

p. 257.

But if any Innholder, &c. would rather furnish the Persons quartered on him with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Five Pints *per Diem*, gratis, and allow them the Use of Fire, and Necessaries for dressing and eating their Meat, giving Notice to the Commanding Officer, and performing the same, Non-commissioned Officers and Private Men shall provide their own Victuals, and shall be paid their Subsistence-money, and not the Innholders, &c. on whom they are quartered; except on a March, or recruiting, and Recruits by them raised, &c.

p. 261.

Officers taking Money to excuse the quartering of Marines are to be cashiered and incapacitated.

p. 258.

The Commanding Officers may exchange Marines in their Quarters, provided the Numbers so exchanged do not exceed the Number at that Time billeted on such Houses respectively; and the Constable, &c. are to billet the Men so exchanged accordingly.

No Paymaster, or any other Officer or Person whatsoever, after March 25, 1790, may receive any Fees or make Deduction out of Officer's or Private Man's Pay, or from their Agents, except the usual Deductions for Clothing, and the 12*d.* in the Pound, to be disposed of as His Majesty thinks fit, and One Day's Pay in the Year for *Chelsea Hospital*, and such other necessary Deductions as shall be directed under the Hand or Hands of the Lord High Admiral, or Three Commissioners for executing that Office.

p. 259.

Every Officer or other Person who actually receives the Pay for One or more Companies of Marines, is immediately to give Notice to the Innkeepers, &c. to repair to their Quarters at the Times appointed for Distribution

p. 262.



Distribution of the Pay, &c. which is to be within Four Days at furthest after Receipt thereof; and the Innkeepers, &c. Accounts are to be first paid, before any Part of the Pay shall be distributed either to Officers or Private Men; provided such Accounts exceed not, for a Commission Officer under the Degree of a Captain, for Diet and Small Beer, *per Diem*, 1*s.* and if he shall have a Horse or Horses, for Hay and Straw for each Horse 6*d.*; nor for One Private Man's Diet and Small Beer, 4*d.*: And if Notice be not given, and such Accounts not immediately paid, upon Complaint and Oath made by Two Witnesses at the next Quarter Sessions, the Paymaster (upon the Justices Certificate of the Sum due on such Accounts, &c.) is to pay the said Sums out of the Officer's Arrears, on Penalty of Disability, &c.; but if no Arrears shall be due, then the Paymasters are to deduct the Sums to be paid, pursuant to the Justices Certificate, out of the next Pay of the Company; and the Officer shall be cashiered.

And where Quarters cannot be paid as the Act directs, for want of Subsistence-money being remitted, &c. in such Case, every Officer, before Departure from Quarters, is to make up the Accounts of the Company, and give a Certificate by him signed to the Party to whom such Money is due, with the Name of the Company, that it may be transmitted to the Paymaster, who is immediately to make Payment thereof, under Pain as is before directed for Nonpayment of Quarters.

Officers and Private Men are to be quartered in *Scotland* as by the Laws there in Force at the Time of the Union: And the Possessors of the Houses where they shall be quartered, shall only be liable to furnish them, as was then provided with respect to Officers and Private Men of the Land Forces; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

All Justices within their several Counties, &c. upon Order from the Lord High Admiral, &c. are to issue out Warrants to the Constables, &c. to make Provision of Carriages, with able Men to drive the same, &c. for the Forces in their Marches, allowing sufficient Time, that the neighbouring Parts bear not always the Burden; and the Officers are to pay to the Constable, 1*s.* *per Mile* for every Waggon that travels with Five Horses; 1*s.* *per Mile* for every Wain with Six Oxen, or Four Oxen with Two Horses; 9*d.* *per Mile* for every Cart with Four Horses; and so proportionably for less Carriages; and the Constable is to give a Receipt for the Money so paid; and they

are to appoint such Persons as they shall think proper to furnish such Carriages: And if any Marine Officer force any Carriage to travel above One Day's Journey, and do not discharge the same in due Time, &c. or suffer any to ride therein (except such as are sick), or force any Constable, &c. by Threats, to provide any Saddle Horses, or force Horses from their Owners; he shall forfeit 5*l.* Proof being made on Oath before Two Justices, and their certifying of it to the Paymaster, who is to pay the same, and deduct it out of such Officer's Pay.

Constables, &c. not executing such Warrants, or any other Persons hindering the Execution thereof, are to forfeit not exceeding 40*s.* nor less than 20*s.* to the Use of the Poor of the Parish; such Offences to be enquired into and determined by Two Justices of the Peace, and the Penalty levied by Distress and Sale.

The Treasurers of the County are to pay, without Fee, to the Constables, all reasonable Sums laid out by them for Carriages, (over and above what ought to have been paid by the Officer), out of the Publick Stock, according to the Rates settled by the Justices in their Quarter Sessions, Regard being always had to the Season of the Year, and the Length and Condition of the Roads.

If the Publick Stock be not sufficient, the Justices at the General Quarter Sessions are to raise Money in the same Manner as for County Gaols and Bridges, to satisfy the said extraordinary Charges.

No Waggon, &c. shall be obliged to carry above Twenty Hundred Weight, by virtue of the Act.

Carriages for the Service of the Forces quartered or marching in *Scotland*, are to be provided and paid at the Rates, and in such Manner as by the Laws in Force in *Scotland* at the Time of the Union.

Officers, Civil or Military, quartering the Wives, Children, Men or Maid Servants, of any Officer or Marine in any House against the Consent of the Owner; the Offender, if an Officer of Marines, upon Complaint and Proof made to the Commissioners for executing the Office of Lord High Admiral, or Judge-advocate, shall be cashiered; and if a Civil Officer, he shall forfeit 20*s.* to the Party aggrieved, upon Complaint to the next Justice of the Peace, to be levied by Distress and Sale, &c.

If, after *March 25, 1790*, any Officer or Marine shall, without Leave first had of the Lord of the Manor, under his Hand and Seal, destroy any Hare, Coneys, Pheasant, Partridge, Pigeon, or any other Sort of Fowls, Poultry, or Fish, or His Majesty's Game, within *Great Britain*, and be convicted

visited before any Justice, such Officer shall forfeit 5*l.* and if a Marine, the Commanding Officer in Chief shall forfeit 20*l.* to be severally distributed among the Poor of the Place where the Offence shall be committed; and such Officer not making Payment as aforesaid, within Two Days after Demand by the Constable, or Overseers of the Poor, shall forfeit his Commission.

*p. 267.* Constables, &c. may take up any Person suspected to be a Deforter, and bring him before a Justice; and if, upon Examination, &c. it shall be found that he is a Marine duly entered, and ought to be with his Company, the Justice shall cause him to be conveyed to the County Gaol, or other publick Prison; or to the *Sawey*, if taken up within the Cities of London or Westminster, or Places adjacent; and transmit an Account thereof to the Secretary of the Admiralty, that he may be proceeded against according to Law; and the Keeper of the Gaol shall receive the full Subsistence of such Deforter for his Maintenance while he shall be in Custody, but shall not be intitled to any Fee for his Imprisonment.

And to encourage any Person to secure Deforters, the Justice is to issue his Warrant to the Collector of the Land Tax Money, for Payment of 20*l.* for every such Deforter, to the Person who secured him, out of the Money arisen, or to arise, in the Year 1790, and the same is to be allowed him on his Account.

*p. 268.* Persons knowingly harbouring, concealing, or assisting any Deforter, shall forfeit 5*l.*; and those who shall detain, buy, exchange, or receive, from any Marine Deforter, or other Person, any Arms, Clothes, Furniture, &c. belonging to the King, or any Articles deemed Regimental Necessaries, or shall change the Colour of such Clothes, are to forfeit 5*l.* upon Conviction before any Justice, to be levied by Distress; One Moiety of either Penalty to be paid to the Informer, and the other to the Officer to whom such Deforter or Marine did belong; and if any Person convicted shall not have sufficient Distress, or shall not pay the Penalties within Four Days, the Justice may commit him to the Common Gaol for Three Months, or cause him to be publickly whipped.

The Act shall continue in Force from March 25, 1790, until March 25, 1791.

All Offences against former Acts, for the Regulation of the Marine Forces while on Shore, may be tried and punished before and by the like Courts, Ways, and Means, as any Offences committed against the present Act.

But no Person shall be liable to be tried or

punished for any Offence against any of the former Acts committed more than Three Years before the issuing of the Commission or Warrant for such Trial; except for Desertion only.

No Volunteer shall be liable to be taken out of His Majesty's Service by any Process or Execution (other than for some criminal Matter), unless for a real Debt, or other just Cause of Action; and unless, before the taking out such Process or Execution, (not being for a criminal Matter), the Plaintiff, or some other Person in his Behalf, make Affidavit before a Judge of the Court out of which such Process shall issue, or before some Persons authorised to take Affidavits in such Court, that, to his Knowledge, the original Sum, justly due to the Plaintiff from the Defendant, in the Action on which the Process shall issue, amounts, over and above all Costs of Suit, to 20*l.* at least; a Memorandum of which Oath is to be marked on the Back of the Process or Writ, for which no Fee shall be taken: And if any Person shall be arrested contrary to the Intent of this Act, any Judge of such Court, on Complaint made by the Party himself, or by his superior Officer, may examine into the same on Oath, and discharge such Marine without Fees, on due Proof that such Person was legally entered as a Marine in His Majesty's Service, and arrested contrary to the Intent of the Act; and may award reasonable Costs to the Complainant; for Recovery whereof he shall have like Remedy as a Plaintiff might have had for his Costs, in case Judgement had been given for him with Costs.

*p. 271.* Plaintiff, on Notice given in Writing of the Cause of Action to such Person, or left at his last Place of Residence before entering, may file a common Appearance in any Action brought for a Debt, so as to entitle him to proceed therein to Judgement and Outlawry, and to Execution thereupon, other than against the Body of him so voluntarily entered.

No Marine arrested or confined for Debt in any Prison, &c. shall be intitled to any Pay during his Confinement.

If any High Constable, or other Officer, &c. who, by virtue of the Act, shall be employed in quartering or billeting Officers or Private Men, shall neglect their Duty herein Two Hours after sufficient Notice hath been given before the Arrival of such Forces, or shall receive or agree for any Money or Reward to excuse any Person from quartering; or if any Victualler, or other Person liable, shall refuse to receive or to victual any Officer or Marine billeted on him, or to furnish them as required by the Act, and be thereof

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thereof convicted, before One or more Justices, either by Confession or by Oath; every such High Constable, or other Person, is to forfeit the Sum of 5*l.* (or any Sum not exceeding 5*l.* nor less than 40*s.* at the Discretion of the Justice), to be levied by Distress and Sale, by Warrant of such Justice, to be directed to any other Constable of the County, &c. or to any of the Overseers of the Poor where the Offender shall dwell; the said Sum to be paid to the Overseers, for the Use of the Poor of the Place.

p. 273. Any One or more Justices may, by Order under his or their Hands and Seals, command any High Constable, Constable, &c. to give an Account in Writing of the Number of Officers and Private Men billeted by them, and also of the Names of the Persons on whom they are billeted; with the Street or Place where they dwell; and the Signs, if any; that it may appear where the Officers and Men are quartered, the better to prevent or punish all Abuses in billeting of them.

After March 25, 1790, any Person enlisted as a Marine in His Majesty's Service shall, within Four Days, but not sooner than 24 Hours, be carried before the next Justice of the Peace, or Chief Magistrate of any City or Town Corporate, (not being an Officer of Marines), and may declare his Dissent to such Enlisting before him; and on such Declaration, and returning the Enlisting Money, and paying 20*s.* for the Charges expended on him, he shall be forthwith discharged in Presence of such Justice or Chief Magistrate; but if he do not within 24 Hours return such Money, he shall be deemed to be enlisted, as if he had given his Assent thereto before the Justice or Chief Magistrate. If the Person declare that he voluntarily enlisted himself, the Justice or Chief Magistrate is required to certify under his Hand, that such Person is duly enlisted, setting forth the Place of his Birth, Age, and Calling, if known, and that the Second and Third Sections of

the Articles of War, for the better Government of His Majesty's Marine Forces while on Shore, were read to him; and that he has taken the Oath of Fidelity mentioned in the Twelfth Section of the said Articles of War; and if any Person so certified as duly enlisted shall refuse to take the said Oath of Fidelity before such Justice or Chief Magistrate, the Officer from whom he hath received such Money as aforesaid may detain and confine him till he shall take it; and every Officer of Marines acting contrary hereto, on Proof on Oath by Two Witnesses before a General Court-martial, shall be cashiered, and disabled to hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service.

And as it may be expedient in certain Cases, particularly where a sufficient Number of Marine Officers cannot be conveniently assembled, or in Matters wherein any of His Majesty's Land Forces may be interested, that Officers of the Land Forces should be associated with the Marine Officers for the Purpose of holding Courts-martial; it is enacted, That, as often as it shall be necessary, Officers of the Marine and Land Forces may sit in Conjunction upon Courts-martial, and proceed in the Trial of any Marine Officer or Private Man, in like Manner as if such Court were composed of Marine Officers only; and the Officers in such Case are to take Rank according to the Seniority of their Commissions in either Service.

Marine Officers and Private Men, during the Time they shall be respectively borne as Part of the Complement of any of the King's Ships, are in all Respects to be governed, proceeded against, and punished, for Offences committed by them, as the Officers and Seamen on Board, according to the Purport of the Act of 22 Geo. II, intituled, *An Act for amending, explaining, and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.*

p. 273.

p. 274.

p. 279. An ABSTRACT of an Act to amend Two Acts, made in the Twenty-eighth Year of the Reign of His present Majesty; the One intituled, *An Act for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West India Islands, and the Countries belonging to the United States of America; and between His Majesty's said Subjects and the Foreign Islands in the West Indies; and the other intituled, An Act to allow the Importation of Rum, or other Spirits, from His Majesty's Colonies or Plantations in the West Indies, into the Province of Quebec, without Payment of Duty, under certain Conditions and Restrictions.*

Anno tricesimo GEORGII III. Regis.

C A P. VIII.

p. 280. THE Preamble recites 28 Geo. III, Cap. 6, for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West India Islands, and the Countries belonging to the United States of America; by which no Goods are permitted to be imported from the United States of America into Quebec, or into the Countries within its Government, or up the River St. Lawrence; and states, that it is necessary to give to the Governor of Quebec the like Power as is now given to the Governors of Nova Scotia and New Brunswick, of authorising the Importation into the Province of Quebec, in Cases of Emergency, of certain Sorts of Provisions from the United States; it is therefore enacted, That in case of publick Emergency, the Governor of Quebec, or Lieutenant Governor or Commander in Chief, with Consent of the Council, may authorise the Importation into the Province of Quebec, or into the Countries within its Government, or up the River St. Lawrence, of Neat Cattle, or Live Stock of any Sort, Bread, Grain, or Flour of any Sort, for a limited Time, from the United States; but the same shall not be imported except by

British Subjects in British-built Ships navigated according to Law, on Penalty of Forfeiture, with the Vessel importing the Goods.

And as by 28 Geo. III, Cap. 39, Rum is allowed to be imported from the British West India Islands, without Payment of Duty, into Quebec, not exceeding in Value a Cargo of Lumber or Provisions, Horses, or Neat Cattle, carried from that Province and landed in those Colonies: And as Doubts have arisen whether the said Lumber or Provisions, &c. are required to be of the Produce of Quebec; it is enacted, That the Lumber (except White Oak Staves), Provisions, Horses, or Neat Cattle, exported under the Conditions of the recited Act, shall be of the Produce of Quebec.

The Goods and Vessels forfeited by this Act may be seized by any Officer of the Customs, or by the Commander of any Vessel of War, or any Officer authorized by him; and every Forfeiture incurred shall be prosecuted in such Courts, and applied to such Purposes, as any Forfeiture incurred by any Law respecting the Customs may be prosecuted or applied.

This Act shall commence May 1, 1790.

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p. 282.

p. 289.

An ABSTRACT of an Act for defraying the Charge of Pay and Cloathing of the Militia, in that Part of *Great Britain* called *England*, for One Year, beginning the Twenty-fifth Day of *March* One thousand seven hundred and ninety.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. IX.

- p. 287. AS it is necessary that Provision should be made for defraying the Charge of the Pay and Cloathing for the Militia in *England*, for One Year, from *March* 25, 1790, it is enacted, That in every County or Place in *England*, where the Militia is or shall be raised, the Receiver-general of the Land Tax of such County or Place shall pay the whole Sums required, in the Manner, and for the Uses after mentioned; viz. For the Pay of the Militia for Four Calendar Months in Advance, at the Rate of 6s. a Day for each Adjutant; and 1s. for each Serjeant, with the Addition of 2s. 6d. a Week for each Serjeant-major; and 6d. a Day for each Drummer, with the Addition of 6d. a Day for each Drum-major; and 8d. a Day for each Corporal; and also 4d. a Month for each Private Man and Drummer, for defraying the contingent Expences of each Regiment, Battalion, and Independent Company, 1d. whereof shall be applied for defraying the Hospital Expences of each Regiment, &c. during the Time of annual Exercise; and also for Half a Year's Salary for the Regimental or Battalion Clerk, at 50l. a Year; and also for the Allowances to other Clerks; viz. To the Clerk of the General Meetings, 5l. 5s. for each Meeting; and to the several Clerks of the Sub-division Meetings, 1l. 1s. for each Meeting; and also for Cloathing, after the Rate of 3l. 10s. for each Serjeant, and 2l. for each Drummer, with the Addition of 1l. for each Serjeant-major, and each Drum-major, and 2l. for each Corporal, they not having been clothed within Two Years; and with respect to the Private Men, where the Militia hath not been clothed within Five Years, at the Rate of 1l. 12s. for each Militia Man chosen by Ballot to be trained.
- p. 289. All such Sums granted for the Pay of the Militia as aforesaid, except such as shall be due to the several Clerks of the Meetings, and except such as shall be due on Account of Cloathing, shall, where the Militia has never been embodied, be paid by the Receiver-general of the Land Tax into the Hands of the Clerks of the Regiments or Battalions, upon producing their Warrants of Appointment to such Office, under the Hand and Seal of the County Lieutenant, and where the Militia has been embodied, into the Hands of the Clerks of the Regiments or Battalions, upon producing their Warrants of Appointment to such Office, under the Hand and Seal of the Colonel or Commanding Officer of each Regiment or Battalion respectively, notwithstanding such Militia shall have been disembodied; and where the Militia shall be formed into Independent Companies, such Sums shall be paid by the Receiver-general into the Hands of the Captain of each Independent Company, or to his Order, according to the Number of Persons intitled to receive Pay, of which such Regiments, &c. shall have been appointed to consist; according to the Establishment laid down in an Act of 26 Geo. III. *For amending and reducing into One Act of Parliament, the Laws relating to the Militia in England*; and such Receiver-general shall also, within 14 Days after the Expiration of the Third Calendar Month from the Time of the First Payment, make a Second Payment for Four Calendar Months in Advance; and shall also, within 14 Days after the Expiration of the Three Calendar Months from the Time of the said Second Payment, make a Third Payment for Four Calendar Months in Advance, for the Pay and contingent Expences of the Militia, and for the Allowances to the Regimental or Battalion Clerks, in the Proportions before mentioned; and the Receipts of such Clerks and of such Captains of Independent Companies, or of such Persons so authorized to receive such Money, shall be a sufficient Discharge to the Receiver-general for the several Sums so by him paid.
- p. 290.

The



The Clerk of each Regiment or Battalion shall forthwith, after the Receipt of such Sums as aforesaid, pay One Calendar Month's Pay in Advance to the Adjutant of such Regiment or Battalion respectively; and to the Captain of each Company belonging to such Regiment or Battalion, Two Months Pay in Advance for the Serjeants, Drummers, and Corporals; and also to the Officer commanding the Company to which the Serjeant-major and Drum-major shall belong, Two Months Pay in Advance for such Serjeant and Drum-major; and so from Time to Time, as long as any Money on that Account shall remain in his Hands:

Which Pay every Captain is required to distribute to each Person belonging to his Company intitled to receive the same; and the Captain of each Independent Company shall distribute to each Person belonging thereto such Money as he shall receive for Pay; and such Captain shall, Once in every Year, give in to the Clerk of the Regiment or Battalion to which such Company shall belong, or if Captain of an Independent Company, to the Receiver-general, an Account of the several Payments he shall have made in pursuance of this Act, according to the following Form:

County of	Dr.	Per Contra,	Cr.
To Cash received of Mr. Regimental or Battalion Clerk, or Re- ceiver General [as the Case shall be] for Two Months Pay in Advance, ———		Paid Serjeant for Days Pay, from the of to the of following ——— of	
		Ditto as Serjeant-major (if One in the Company) }	
		Paid Serjeant for Days Pay, from the of to the of following ——— of	
		Paid Drummer Days, at Sixpence, from the of to the of following ——— of	
		Ditto as Drum-major (if One in the Company) }	
		Paid Drummer Days, from the of to the of following of following ——— of	
		Paid Corporal Days from the of to the of following ——— of	

And shall pay back to the said Clerk, or to the Receiver-general, the Surplus (if any) of the Money by him received, and then remaining in his Hands.

In case the Commanding Officer of any Regiment, or Independent Company, shall certify in Writing, to the Clerk, that he hath discharged any Serjeant or Drummer as unfit for Service, then no Pay shall be issued for the Person so discharged, until another be duly appointed by him; and no Payment shall be made to any Serjeant or Drummer who hath been so discharged, or who has not previously been approved of by the Commanding Officer.

p. 292. The Clerk of each Regiment shall yearly pay to the Colonel or Commanding Officer, 1 d. a Month for each Private Man and Drummer, for defraying Hospital Expences, during the Time of the Men's being out at Exercise; and shall pay such Sums as may be necessary for the Repair and Carriage of Arms, on an Order from the Colonel or

Commanding Officer; to whom he shall transmit annually his Account, which being signed by such Officer, shall be to him an Acquittal for the Disposal of such Money; and the Balance in his Hands shall form a Stock Purse for the Use of the Regiment.

The Money directed to be issued for the contingent Expences of each Independent Company, shall be applied to the particular Use of the same by the Captain thereof; and shall yearly be accounted for to the Receiver-general of the County; whose Allowance of such Account shall be the proper Voucher for the Disposition thereof.

The Regimental or Battalion Clerk may retain, out of the Money so by him received, p. 293. such further Sums as shall complete the Allowance before made for his Salary.

When the Lieutenant of any County, or any Three Deputy Lieutenants, shall have fixed the Days of Exercise for the Militia, he or they shall certify the same to the Receiver-general, specifying the Number of Men,

Men, and the Number of Days (not exceeding 28) such Men are to be absent from Home on Account of Exercise, who shall, within 14 Days after the Receipt of such Certificate, pay to the Clerk of the several Regiments or Battalions, 7 s. 6 d. per Day for the Captain of each Company, 3 s. 6 d. per Day for each Lieutenant, 3 s. per Day for each Ensign, and 1 s. per Day for each private Man who shall have been chosen by Ballot to be exercised, during the Time such Officers and Men shall be absent from Home on Account of such Exercise; and also 1 s. per Day for each private Man who shall attend the Place of annual Exercise, but who shall not have been so chosen by Ballot, for any Time not exceed-

ing Five Days, during which such Men shall be absent from Home on Account of their Attendance, not exceeding 28 Days; and in Counties where there shall be Independent Companies only, the Receiver-general shall pay to the Captains thereof after the above Rates for the Officers and Private Men belonging to the same who are intitled thereto as aforesaid; and the Regimental or Battalion Clerks shall forthwith pay to each Captain of the said Regiments, &c. his Proportion of Pay, and likewise that of his Company. p. 294.

The Captain of each Company shall make up an Account of all Monies received and paid by him on Account of such Exercise, according to the following Form:

County of	Dr.	Per Contra,	Cr.
To Cash received of the Regimental or Bat- talion Clerk, or Receiver General <i>[as the Case shall be]</i> for Days Pay of	Men	By my Pay as Captain Paid Lieutenant Paid Ensign Paid Militia Men Days Militia Men Days, for their Attendance at the Place of Exercise	

Which Account shall be signed by him, and counterigned by the Commanding Officer, and he shall, within 10 Days after the Time such Exercise is finished, deliver it, and pay the Balance, if there be any due, to the Regimental or Battalion Clerk, or, if Captain of an Independent Company, to the Receiver-general; and such Accounts shall be allowed as sufficient Vouchers in the passing of the Receiver-general's Accounts.

Where any Regiment, or Independent Company, is embodied, or called out into Service, and thereby the Officers and private Men are intitled to the same Pay as those in His Majesty's other Regiments of Foot receive, all Pay from the Receiver for the County, and all Money allowed for the contingent Expences of such Regiment, or Independent Company, and also the Allowance to the Clerk, shall, until such Regiment, or Independent Company, shall be disembodied, cease. p. 295.

Receivers of the Land Tax shall pay to the Clerk of the General Meetings his Allowance, upon his producing an Order for that Purpose from His Majesty's Lieutenant, or from Three Deputy-lieutenants; and shall pay to each of the Clerks of the Subdivision Meetings his Allowance, upon producing an Order from a Deputy-lieutenant; which Order shall be, to the Receiver-general, a sufficient Discharge for the Payment of such Allowances.

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The Clerk of each Regiment or Battalion shall give Security to the Receiver-general of the County, by a Bond to His Majesty, in the Penalty of One Half of the Sum required for the whole Year's Charge of the Regiment or Battalion to which he shall belong, for duly answering such Sums as he shall have received, and for Performance of the Trust in him reposed; which Bond shall be lodged in the Hands of the Receiver-general of the Land Tax for the respective County, Riding, or Place, who, if the Regimental or Battalion Clerk shall not duly perform the Conditions thereof, shall forthwith put it in Suit, in the Name of His Majesty; the full Costs of which Suit, in case Judgement shall be given against the Clerk, shall be paid by him to the Receiver-general, who shall likewise be intitled to 5 l. per Cent. out of all such Monies as shall be by him recovered thereon; and shall account for the Residue thereof with the Auditor of the Revenue; the said Receiver-general charging himself therewith, upon the next Account of the Land Tax by him passed. p. 296.

The Clerk of every Regiment or Battalion, and the Captain of every Independent Company, in every County, shall, between the 25th of March and the 24th of June 1790, deliver to the Receiver-general a fair Account of all Monies by him received and disbursed, for the Service of the preceding Year, with proper Vouchers for the same; and

and shall pay back to the said Receiver-general any Surplus of such Monies that shall then be in his Hands; which Account, signed by such Clerk or Captain, shall be transmitted, by the Receiver-general, into the Office of the Auditor of the Revenue.

p. 297.

All Penalties, Costs of Suit, and all Sums for which any Person is by this Act made answerable, may be recovered in any Court at *Westminster*, by Action of Debt, or Information, wherein no *Essoin*, &c. shall be allowed.

No Fee shall be paid for any Warrant or Sum which shall be issued in pursuance of this Act.

Any Person on Half Pay, or intitled to an Allowance as having served in the Horse Guards, or Regiment of Horse reduced, and serving in the Militia, may receive the Subsistence Money by this Act directed to be paid to Officers, which shall not deprive him of such Half Pay, &c. and he shall take the following Oath before some Justice of the Peace.

*I A. B. do swear, That I had not, between the any Place or Employment of Profit, Civil or Military, under His Majesty, besides my Allowance of Half Pay as a reduced in late*

*Regiment of (or Allowance as late Troop of Horse Guards, or Regiment of Horse reduced), save and except my Subsistence as a Captain, Lieutenant, or Ensign, [as the Case may be] for serving in the Militia of the County of* p. 298.

Which Oath shall be sufficient to intitle him to receive his Half Pay, or Allowance, without taking any other.

The Receiver-general, as soon as he shall receive a Warrant under the Hand of the Colonel or Commanding Officer of their respective Regiments or Battalions, certifying the Receipt of the Cloathing, and an Order from the Colonel, &c. for the Money due on account of the same, payable to the Person who furnished the said Cloathing, shall pay the Sum mentioned in such Order; and such Order, together with the Receipt of the Person receiving the Money, shall be a sufficient Discharge to the Receiver-general.

If any Regiment, &c. shall cease during the Continuance of this Act, 3s. per Diem shall be paid to the Person who shall have served as Adjutant to such Regiment, &c. from the Time the same shall cease, to March 25, 1791.

An ABSTRACT of an Act for the better Support of the Dignity of the Speaker of the House of Commons; and for disabling the Speaker of the House of Commons for the Time being from holding any Office or Place of Profit, during Pleasure, under the Crown.

*Anno tricesimo* GEORGII III. *Regis.*

## C A P. X.

p. 303. **T**O support the Dignity of the Office of Speaker of the House of Commons, it is enacted, That the Secretary of the Speaker of the House of Commons, or such other Person as the Speaker shall appoint, shall, after the Expiration of the Quarter ending on April 5, 1790, deliver to the Treasury an Account, signed by the Speaker, of the Fees received on Account of his Office, between Dec. 25, 1789, and March 25, 1790; and also an Account of the Sum

received or due at the Exchequer out of the Civil List, on the Allowance of 5l. per Day usually made to the Speaker for the same Period; and the Secretary shall also, Seven Days before the Expiration of the Quarters ending July 5, Oct. 10, 1790, and Jan. 5, 1791, deliver a like Account of the Fees, and of the Sum received or due on the Allowance of 5l. per Day, as aforesaid, between March 25 and June 24, between June 24 and Sept. 29, and between Sept. 29 and

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p. 305. and Dec. 25, 1790, respectively, and so in like Manner in every succeeding Quarter.

If the Fees, and the Sum received or due from the Civil List, within any of the said Periods, shall exceed 1,500*l.* the Excess shall be carried to the Account to be delivered in previous to the next ensuing Quarter, as so much Money received by the Speaker, to be added to the several Receipts under the Head of Fees, or Sums received or payable at the Exchequer as aforesaid, within the Period of the next ensuing Account.

If, at the Expiration of the Quarter ending April 5, 1790, the Fees and Allowance from the Civil List shall be less than 1,500*l.* the Treasury may direct the Auditor of the Exchequer to make forth Debentures for paying to the Speaker the Deficiency out of the Supplies for 1790.

If at any future Time the Sums received

by the Speaker, or which shall have been brought to his Account, within any of the Periods for which the Accounts hereby directed to be delivered in are required to be computed, shall be less than 1,500*l.* the Treasury may direct the Auditor of the Exchequer to make forth Debentures for paying to the Speaker such Deficiency out of the Consolidated Fund.

Such Payments shall be made out of the Consolidated Fund, after reserving sufficient to pay previous Appropriations, and the Receipt of the Speaker shall be a sufficient Discharge for the same.

The Sums issued to the Speaker for completing the clear Sum of 1,500*l.* shall be free from all Taxes.

The Speaker shall not hold any Place of Profit under the Crown during Pleasure.

p. 307.

p. 311. An ABSTRACT of an Act to continue the Laws now in Force for regulating the Trade between the Subjects of His Majesty's Dominions and the Inhabitants of the Territories belonging to the United States of *America*, so far as the same relate to the Trade and Commerce carried on between this Kingdom and the Inhabitants of the Countries belonging to the said United States.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XI.

p. 312. THE Preamble, after reciting 23 Geo. III, Cap. 39, for preventing certain Instruments from being required from Ships belonging to the United States of *America*; and to give to His Majesty, for a limited Time, certain Powers for the better carrying on Trade and Commerce between the Subjects of His Majesty's Dominions and the Inhabitants of the said United States; and 24 Geo. III, Cap. 45, which extends the Powers of that Act to the Trade and Commerce of this Kingdom with the British Colonies and Plantations in *America*, with respect to certain Articles therein mentioned, states, That it is expedient that these Acts, which were continued to April 5, 1790, should be further continued; it is therefore enacted, That 23 Geo. III, Cap. 39, so far as relates to the Commerce between this Kingdom and the United States

of *America*, and 24 Geo. III, Cap. 49, shall continue in Force till April 5, 1791.

If any Iron, Hemp, Sail-cloth, or other Articles of the Produce of any Place bordering on the *Baltic*, which may be lawfully exported from this Kingdom, shall be exported contrary to Law; or if any prohibited Goods shall be imported from the United States of *America*, or any other Goods imported contrary to Law, they shall be forfeited, with the Vessel in which they are respectively exported or imported, with her Tackle.

Every Forfeiture incurred by virtue of this Act may be recovered and applied in the like Manner as any Forfeiture incurred by any Law respecting the Customs may now be recovered and applied.

This Act shall continue in Force till April 5, 1791; but it may be repealed this Session.

p. 313.

p. 314.

p. 319. An ABSTRACT of an Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments; and to indemnify Justices of the Peace, or others, who have omitted to register or deliver in their Qualifications within the Time limited by Law, and for giving further Time for those Purposes; and to indemnify Members and Officers, in Cities, Corporations, and Borough Towns, whose Admissions have been omitted to be stamped according to Law, or, having been stamped, have been lost or mislaid, and for allowing them Time to provide Admissions duly stamped; to give further Time to such Persons as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors; and for indemnifying Deputy Lieutenants and Officers of the Militia, who have neglected to transmit Descriptions of their Qualifications to the Clerks of the Peace within the Time limited by Law; and for giving further Time for that Purpose.

Anno tricesimo GEORGII III. Regis.

## C A P. XII.

p. 320. AS divers Persons, who, on Account of their Offices or Professions, or other Cause, ought to have taken and subscribed the Oaths appointed to be taken and subscribed by Act 1 Geo. I. For the further Security of His Majesty's Person and Government, &c. or to have qualified themselves according to Act 13 Car. II. For the well-governing and regulating Corporations; or according to Act 25 Car. II. For preventing the Dangers which may happen from Popish Recusants, &c.; or according to Act 30 Car. II. For the more effectual preserving the King's Person and Government, by disabling Popish from sitting in either House of Parliament; or according to Act 8 Geo. I. For granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many

of them lie under; or according to Act 9 Geo. II. For indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, &c.; or according to Act 18 Geo. II. To amend and render more effectual an Act, passed in the Fifth Year of His present Majesty's Reign, intituled, "An Act for the further Qualification of Justices of the Peace;" or according to Act 6 Geo. III. For altering the Oath of Abjuration, and the Assurance, &c. have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to subscribe the Oaths and Assurance, and make the Declaration required by Law, within such Time, and in such Manner, as by the said Acts, or by any other Act in that Behalf made, is required, whereby they have incurred divers Penalties and Disabilities;

p. 322. lities; before to take Declara or other such Ti said Ac cepting undertal which been ha subscri tions rec receive Usage 25, 17 Places a 1 Geo. I  
p. 323. demnific incurred to the p Oaths, & the same such On duly qu above-m  
p. 324. This against v given in Court o by havin Nor e which h Qualific It is a Persons sions, or may not stamped, such Per may prov ed; or v been ma they ma sioners to  
p. 325. on Paym thereon,

p. 322. lities; it is enacted, That all Persons, who, before the passing of this Act, have omitted to take and subscribe the said Oaths and Declarations, or to receive the Sacrament, or otherwise to qualify themselves, within such Time, and in such Manner, as by the said Acts is required; and who, after accepting any such Office or Employment, or undertaking any Profession on Account of which such Qualifications ought to have been had before the passing of this Act, have subscribed the Oaths or made the Declarations required by Law, and received or shall receive the Sacrament, according to the Usage of the Church of England, by Dec. 25, 1790, in such Manner and in such Places as are appointed by the said Act of 1 Geo. I, or by any other Acts, shall be indemnified from all Penalties and Disabilities incurred by reason of any Neglect, previous to the passing of this Act, of taking the said Oaths, &c. and such Persons are restored to the same Condition as they were in before such Omission, and shall be deemed to have duly qualified themselves according to the above-mentioned Acts.

p. 323. This Act shall not indemnify any Person against whom final Judgement shall have been given in any Action of Debt, &c. in any Court of Record, for any Penalty incurred by having neglected to qualify himself:

Nor exempt any Justice from Penalties to which he is subject for acting without legal Qualification.

It is also enacted, That, for the Relief of Persons whose Appointments and Admissions, or the Entries of whose Admissions, may not have been provided, or not duly stamped, or where the same have been lost, such Persons, on or before Dec. 25, 1790, may provide Appointments, &c. duly stamped; or where such Appointments, &c. have been made, but have not been duly stamped, they may produce them to the Commissioners to be stamped; which shall be done on Payment of the Duties first payable thereon, without any Fine; and such Per-

sons providing Appointments, &c. duly stamped, &c. shall be qualified to act in the Offices to which they had been appointed, notwithstanding their Omission as aforesaid; and shall be indemnified from all Incapacities and Forfeitures on that Account.

This Act shall not intitle any Person to any Office, Benefice, or Matter whatever, already avoided by Judgement of any Court of Record, or legally filled up and enjoyed by another; but such Office, &c. so avoided, shall remain to the Person who is, at the passing of this Act, legally intitled thereto.

Every Person who, at the passing of this Act, has neglected to cause any Affidavits to be made and filed, and who, on or before the First Day of Michaelmas Term 1790, shall cause such Affidavits to be made and filed, shall be indemnified from all Penalties and Disabilities in any Act mentioned, and incurred by reason of such Neglect.

And as by the Militia Act, 26 Geo. III, Cap. 107, every Deputy Lieutenant, and every Officer above the Rank of a Subaltern, in the Militia, not having transmitted a specifick Description of his Qualification for holding his Commission to the Clerk of the Peace, should, within Six Months after July 1, 1786, transmit the same to the Clerk of the Peace, on Pain of being rendered incapable of acting: And as divers Persons have neglected to do so, it is enacted, That all such Deputy Lieutenants and Officers who shall, by Sept. 1, 1790, deliver in their Qualification, in the Manner directed by that Act, shall be indemnified from all Penalties incurred by Omission.

If any Action shall, after the passing of this Act, be brought or prosecuted against Persons hereby indemnified on Account of any Forfeiture, &c. incurred by such Neglect, such Persons may plead the General Issue, and, upon their Defence, give this Act in Evidence.



An ABSTRACT of an Act for appointing Commissioners to put in Execution an Act of this Session of Parliament, (intituled, *An Act for granting an Aid to His Majesty by a Land Tax, to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety*), together with those named in Two former Acts for appointing Commissioners of the Land Tax.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XIII.

- p. 331. **T**HE Preamble sets forth, That it is necessary to appoint additional Commissioners to put in Execution the Land Tax Act of this Session (Cap. 2), together with those named in 26 Geo. III, Cap. 121, and p. 332. 27 Geo. III, Cap. 47; it is therefore enacted, That the Persons named in the Act as Commissioners for the Places therein expressed, may put in Execution the Land Tax Act of this Session, in the same Manner as if they had been named with the other Commissioners in the recited Acts, the said Persons being nevertheless subject to such Qualifications as are in the said Act required, with respect to the Commissioners therein named.

An ABSTRACT of an Act for continuing the Encouragement and Reward of Persons making certain Discoveries for finding the Longitude at Sea, or making other useful Discoveries and Improvements in Navigation, and for making Experiments relating thereto; and for adding a Commissioner to execute the several Acts for the Discovery of the Longitude at Sea.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XIV.

- p. 383. **T**HE Preamble recites 21 Geo. III, Cap. 52, for continuing the Encouragement and Reward of Persons making certain Discoveries for finding the Longitude at Sea, &c. by which the Commissioners for the Discovery of the Longitude at Sea were empowered to reward such Persons as, by their Discoveries, should merit it, although not intituled to any of the great Rewards specified in 14 Geo. III, Cap. 66; and states, that by Reason of several Payments made by the Treasurer of the Navy to several Persons in pursuance of the Directions of the first mentioned Act, the Commissioners have nearly

nearly expended 5,000*l.* the Sum granted by that Act: And as the continuing the said Rewards will contribute to the Advantage of Trade: It is therefore enacted, That the Commissioners of Longitude, whenever they shall be satisfied of the Probability of any Proposal that shall be made to them for discovering the Longitude, or making any Improvement in Navigation, so as to think it proper to cause Experiments to be made thereof, shall certify it to the Commissioners of the Navy; and also, if they adjudge any Person to have made any Discovery, which though of not so great Use as to be intitled to any of the great Rewards specified in 14 *Geo.* III, Cap. 66, yet that it is of considerable Use to the Publick, or useful in Navigation, shall certify such less Reward as they shall think reasonable to be paid to the Inventor; and the Commissioners of the Navy shall make out Bills on the Treasurer thereof for such Sums as shall be so certified to them by the Commissioners of Longitude; and the Treasurer of the Navy shall immediately

pay the same to the Persons appointed to receive such Rewards.

The Rewards to be paid under this Act shall not, in the Whole, exceed 5,000*l.*; and Payment thereof shall be made agreeably to the Regulations prescribed by 14 *Geo.* III, Cap. 66.

And as by 26 *Geo.* II, Cap. 25, To render more effectual an Act, made in the Twelfth Year of the Reign of Her late Majesty Queen Anne, intituled, "An Act for providing a publick Reward for such Person or Persons as shall discover the Longitude at Sea, &c." the Secretary of the Admiralty is appointed One of the Commissioners for putting in Execution the said Acts: And as since the passing thereof an additional Secretary to the Admiralty has been appointed; it is enacted, That the Secretaries of the Admiralty shall be Commissioners for putting the said Acts, and also One in 5 *Geo.* III, for explaining and rendering them more effectual, into Execution, as fully as if they had been appointed Commissioners by the recited Acts.

An ABSTRACT of an Act for raising a certain Sum of Money, by Loans or Exchequer Bills, for the Service of the Year One thousand seven hundred and ninety.

Anno tricesimo GEORGII III. Regis.

# C A P. XV.

TOWARDS raising the necessary Supplies granted this Session, it is enacted, That any Three Commissioners of the Treasury, at any Time before Jan. 5, 1791, may direct any Loans to be received at the Exchequer from any Persons, Bodies Politick or Corporate, or any Number of Exchequer Bills to be made out there, for any Sums of Money, not exceeding, in Loans and Exchequer Bills together, 3,500,000*l.* in the same Manner, &c. as by the Malt Act of this Session is prescribed concerning the Loans or Exchequer Bills to be taken or made in pursuance of that Act.

All Things contained in the Malt Act, relating to Loans or Exchequer Bills (except such Clauses as charge the same on the Duties thereby granted, and except such as limit the Rate of Interest, and also except as is herein-after mentioned), shall be extended

to the Loans and Exchequer Bills to be made in pursuance of this Act.

But no Exchequer Bill to be made out by virtue of this Act shall, after it is issued, be, at any Time before April 6, 1791, received, or be current to any Receiver or Collector of the Revenue, or at the Receipt of the Exchequer, otherwise than for the Discharge and cancelling of such Bills, in case they shall be in due Course of Payment before the said 6th of April; nor shall any such Receiver or Collector exchange, before that Day, for any Money of such Revenue, any Exchequer Bill which shall have been issued under this Act; nor shall any Action be maintained against him for refusing to exchange any such Bill for ready Money, before the said 6th of April.

All such Loans or Exchequer Bills, together with the Interest, Premium, and Charges incident

incident thereto, shall be repaid out of the first Supplies granted in the next Session; and if sufficient Supplies for that Purpose shall not be granted before July 5, 1791, then the same shall be chargeable upon such Monies as at any Time after that Day shall be in the Receipt of the Exchequer, of the Surplus of the Consolidated Fund, (except such Monies thereof as are already appropriated); and such Monies shall be issued, as soon as the same can be regularly stated and ascertained, towards paying off such Loans or Exchequer Bills, Interest, &c. until the Whole of them shall be paid off, or Money sufficient for that Purpose be reserved in the Exchequer, to be payable on Demand to the respective Proprietors.

Whatever Monies shall be so issued out

of the Consolidated Fund, shall, from Time to Time, be replaced out of the First Supplies to be then after granted in Parliament.

The Bank may lend to His Majesty, at the Receipt of the Exchequer, upon the Credit of the Loan granted by this Act, any Sum not exceeding 3,500,000 l.; any Thing in the Act 5 and 6 Gul. 3 Mar. For granting *p. 395.* to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of 1,500,000 l. towards carrying on the War against France, to the contrary notwithstanding.

An ABSTRACT of an Act for raising a further Sum of Money, by Loans or Exchequer Bills, for the Service of the Year One thousand seven hundred and ninety.

Anno tricesimo GEORGII III. Regis.

C A P. XVI.

*p. 399.* TOWARDS raising the necessary Supplies granted in this Session, it is enacted, That any Three Commissioners of the Treasury may, at any Time before Jan. 5, 1791, direct any Loans to be received at the Exchequer from any Persons, Bodies Politick or Corporate, or any Number of Exchequer Bills to be made out there, for any Sums not exceeding, in Loans and Exchequer Bills together, 2,000,000 l. in the same Manner, &c. as by the Malt Act of this Session is prescribed concerning the Loans or Exchequer Bills to be taken or made in pursuance of that Act.

All Things in the Malt Act, relating to Loans or Exchequer Bills (except such Clauses as charge the same on the Duties thereby granted, and except such as limit the Rate of Interest, and also except as is herein-after mentioned), shall be extended to the Loans and Exchequer Bills to be made in pursuance of this Act.

*p. 401.* But no Exchequer Bill to be made out by virtue of this Act shall, after it is issued, be at any Time, before April 6, 1791, received,

or be current to any Receiver or Collector of the Revenue, or at the Receipt of the Exchequer, otherwise than for the Discharge and cancelling of such Bills, in case they shall be in due Course of Payment before the said 6th of April; nor shall any such Receiver or Collector exchange, before that Day, for any Money of such Revenue, any Exchequer Bill which shall have been issued under this Act; nor shall any Action be maintained against him for refusing to exchange any such Bill for ready Money, before the said 6th of April.

All such Loans or Exchequer Bills, together with the Interest, Premium, and Charges incident thereto, shall be repaid out of the First Supplies which shall be granted in the next Session; and if sufficient Supplies for that Purpose shall not be granted before July 5, 1791, then the same shall be chargeable upon such Monies as at any Time after that Day shall be in the Receipt of the Exchequer of the Surplus of the Consolidated Fund *p. 402.* (except such Monies as are already appropriated); and such Monies shall be issued, as soon

soon as the same can be regularly stated and ascertained, towards paying off such Loans or Exchequer Bills, Interest, &c. until the Whole of them shall be paid off, or Money sufficient for that Purpose be reserved in the Exchequer, to be payable on Demand to the respective Proprietors.

Whatever Monies shall be so issued out of the Consolidated Fund, shall from Time to Time be replaced out of the First Supplies to be then after granted in Parliament.

The Bank may lend to His Majesty, upon the Credit of Loan granted by this Act, any Sum not exceeding 2,000,000*l.* Any Thing in the Act of 5 & 6 Gul. 3 Mar. For granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of 1,500,000*l.* towards carrying on the War against France, to the contrary notwithstanding.

An ABSTRACT of an Act for altering the Time appointed for holding the Summer Session in the Court of Session in *Scotland*; and for altering *Whitsuntide* and *Lammas* Terms in the Court of Exchequer in *Scotland*.

Anno tricesimo GEORGII III. Regis.

C A P. XVII.

p. 407. THE Preamble sets forth, That it would be convenient for the Subjects in *Scotland*, if the Summer Session of the Court of Session there was altered; it is therefore enacted, That the Summer Session in the Court of Session shall in future begin on May 12, except that Day shall happen to be on a Sunday or Monday, in which Case it shall set down on the First Tuesday thereafter, and the same shall end on July 11, except that Day happen to be on a Sunday or Monday, in which Case it shall rise on the Saturday preceding.

And as it is necessary that the *Whitsuntide* and *Lammas* Terms of the Court of Exchequer in *Scotland* should be kept during the Summer Session of the Court of Session; it is enacted, That *Whitsuntide* Term for the Court of Exchequer shall, in future, begin on May 12, except that Day happen to be on a Sunday, in which Case it shall begin on the First Monday thereafter, and the same shall end on June 2, except that Day happen to be on a Sunday, in which Case it shall begin on the First Monday ensuing, and the same shall end on July 5, except that Day happen to be on a Sunday,

in which Case it shall end on the Saturday preceding.

At all Times hereafter, the Spring Circuits of the Court of Justiciary shall be held between March 12 and May 12.

And as by 16 Geo. II, Cap. 11, To explain p. 409; and amend the Laws touching the Elections of Members to serve for the Commons in Parliament for that Part of Great Britain called *Scotland*, &c. if at any *Michaelmas* Meeting, or Meeting for Election, any Person claiming to be inrolled shall be refused to be admitted; or if any Person who stood upon the Roll shall be struck off, he may apply within Four Months to the Court of Session; and if any Person shall be inrolled whose Title shall be thought liable to Objection, any Freeholder may apply, in like Manner, within the same Period; it is enacted, That a Complaint, presented to the Lord Ordinary in Time of Vacation, within the said Four Months, shall have the same Effect, for the Purposes aforesaid, as if such Complaint had been presented to the Court of Session while sitting; provided printed Copies of such Complaint be lodged in the usual Form on or before the Third federunt Day of the ensuing Session.

All Writs and Process already issued from the Exchequer shall, instead of the 12th, be returnable on the 17th of June, being the First Day of *Lammas* Term, as this Act directs.

- p. 415. An ABSTRACT of an Act to continue the several Laws therein mentioned, relating to encouraging the Manufacture of Leather by lowering the Duty payable upon the Importation of Oak Bark, when the Price of such Bark shall exceed a certain Rate; to the prohibiting the Exportation of Tools and Utensils made use of in the Iron and Steel Manufactures of this Kingdom, and to prevent the seducing of Artificers and Workmen, employed in those Manufactures, to go into Parts beyond the Seas; and to the ascertaining the Strength of Spirits by *Clarke's Hydrometer*.
- p. 416.

*Anno tricesimo* GEORGII III. Regis.

## C A P. XVIII.

AS the Laws herein-after mentioned have by Experience been found useful, and are near expiring; it is enacted, That the Act of 12 Geo. III, Cap. 50, for encouraging the Manufacture of Leather by lowering the Duty payable upon the Importation of Oak Bark, when the Price of such Bark shall exceed a certain Rate, for a limited Time, which was to continue in Force for Five Years, and which, by an Act of 17 Geo. III, was continued for the like Term, and for the same Period by One in 24 Geo. III, shall be continued for the further Term of Five Years, and from thence to the End of the then next Session.

The Act of 26 Geo. III, Cap. 89, to explain, amend, and extend to other Tools and Utensils, an Act made in the Twenty-fifth Year of the Reign of His present Majesty, intituled, "An Act to prohibit the Exportation to Foreign Parts of Tools and Utensils made use of in

the Iron and Steel Manufactures of this Kingdom; and to prevent the seducing of Artificers or Workmen, employed in those Manufactures, to go into Parts beyond the Seas," which was to be in Force until the End of the then next Session; and which by Three Acts, made in 27, 28, and 29 Geo. III, was continued until the End of this present Session, shall be further continued until the End of the next Session.

So much of an Act of 27 Geo. III, as directs, that all Spirits shall be deemed of the Degree of Strength at which *Clarke's Hydrometer* shall denote such Spirits to be, which was to be in Force until April 5, 1788; and which, by Two Acts in 28 and 29 Geo. III, was continued until the End of this Session, shall be further continued until the End of the next Session.

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An ABSTRACT of an Act for allowing further Time  
for Inrollment of Deeds and Wills made by Papists, and  
for Relief of Protestant Purchasers.

Anno tricesimo GEORGII III. Regis.

C A P. XIX.

- p. 423. THE Preamble recites 3 Geo. I, Cap. 18, by which no Lands, &c. can pass from any Papist, by any Deed or Will, except such Deed, within Six Months after the Date, and such Will, within Six Months after the Death of the Testator, should be inrolled in One of the Courts of Record at Westminster, or else within the County wherein the Lands lie, in such Manner as therein is particularly directed; and likewise several subsequent Acts enlarging the Time of such Inrollment; and states, That several Persons having or being intitled to Estates under Deeds and Wills made by Papists, may be in Danger of being deprived thereof on Account of the Deeds under which they claim not having been duly inrolled; it is therefore enacted, That every Deed and Will made since Sept. 29, 1717, in order to pass any Lands, &c. from any Papist, to any Person whomsoever, shall be good in Law, if inrolled on or before Sept. 1, 1790, in the Manner directed by the first-mentioned Act.
- p. 424. But this Act shall not extend to Deeds, &c. the Validity whereof has been brought in Question before Jan. 1, 1790.
- No Purchase made of Lands by any Protestant shall be avoided on Account of the Title Deeds not having been inrolled as required by the recited Acts, so as no Advantage was taken of Inrollment thereof before such Purchase was made, and so as no Judgment hath been obtained for Want of Inrollment.
- p. 425. This Act shall not make good any Grant of the Right of Presentation to any Benefice, &c. in Trust for any Papist.
- p. 426. No Purchase made of Lands by any Protestant shall be avoided on Account of the Title Deeds not having been inrolled as required by the recited Acts, so as no Advantage was taken of Inrollment thereof before such Purchase was made, and so as no Judgment hath been obtained for Want of Inrollment.

An ABSTRACT of an Act for rebuilding the Parish  
Church and Tower of *Saint Thomas*, within the City of  
*Bristol*.

Anno tricesimo GEORGII III. Regis.

C A P. XX.

- p. 431. THE Preamble sets forth, That *St. Thomas's Church* in *Bristol* is in a ruinous Condition: That there are certain Premises vested in Trustees, for the Maintenance of Divine Service, repairing the Church, and for other Purposes: That the weekly Market in *St. Thomas Street*, with the Tolls, are also vested in Trustees, for charitable Purposes: That there is now 1,500*l.* in the Funds of Four per Cent. in the Names of *Henry Durbin*, *Thomas Lewis*, and *John Webb* deceased, purchased with Monies arising from the Parish Estates, and the Tolls of the Market, with Two Sums of 10*l.* and 30*l.* given by *Elizabeth Elton* and *Thomas Lewis*, for certain charitable Purposes: And that the Expence of rebuilding the Church, and the Tower thereof, if necessary, is estimated at 5,000*l.*: It is enacted, That the Mayor of *Bristol*, the Representatives in Parliament for
- p. 432. And that the Expence of rebuilding the Church, and the Tower thereof, if necessary, is estimated at 5,000*l.*: It is enacted, That the Mayor of *Bristol*, the Representatives in Parliament for
- p. 433. And that the Expence of rebuilding the Church, and the Tower thereof, if necessary, is estimated at 5,000*l.*: It is enacted, That the Mayor of *Bristol*, the Representatives in Parliament for



for that City, the Alderman of the Ward of *St. Thomas*, the Vicar, Churchwardens, and Vestry Men of the Parish of *St. Thomas*, and *George Buis*, *Robert Buis* the elder, *Henry Buis*, *John Cave*, *William Cave*, *Stephen Cave*, *Thomas Gre*, *John Gordon* the younger, *Kingmill Grove*, *John Williams Harding*, *John Page*, *John Peivell*, *Timothy Powell* the younger, *John Pountney*, and *John Reinke*, shall be Commissioners for putting this Act in Execution, in whom all the Monies arising thereby shall be vested.

When any Commissioner shall die, or refuse, by Writing under his Hand, to act, the remaining Commissioners, or any Five of them, may appoint another Person in his Room.

**p. 434.** But no Person (except those entitled to be Commissioners by virtue of their Offices) shall be capable of acting as a Commissioner, unless he owns or occupies some House in the Parish, rated to the Land Tax at not less than 20*l. per Ann.* on Penalty of 20*l.* and the Proof of Qualification shall lie on the Defendant.

No Commissioner shall be capable of acting while interested in any Contract, or enjoying any Place of Profit under this Act.

**p. 435.** The Commissioners, or any Five of them, shall meet at the *Pope's Head and Pelican* in *St. Thomas Street*, on the Second Monday after the passing of this Act, or as soon after as convenient, to put it in Execution; and may afterwards adjourn to meet at such Place as they think proper; and may meet at any Time, without Adjournment, on Notice being given, by Order of the Churchwardens, or any Three of the Commissioners, in One of the *Bristol* Newspapers, Three Days before the Meeting; and the Commissioners shall, at all their Meetings, defray their own Expences.

The Commissioners may appoint a Treasurer, Clerk, and such other Officers, and take such Security from them as they think necessary; and, out of the Monies arising by this Act, may allow them Salaries.

The Vestrymen of *St. Thomas* shall, at a Meeting within One Month after the passing of this Act, nominate Four Inhabitants of the Parish, (not being *Quakers*), out of whom the Commissioners shall choose Two

**p. 436.** Persons; and in Default of such Nomination, or if not notified to the Commissioners, they shall appoint Two of the Inhabitants to be Collectors of such Rates and Sums of Money as shall be payable by virtue of this Act, until *June 24, 1791*; and the Vestrymen shall, on the Monday in *Easter Week, 1791*, and also on the Monday in *Easter Week* in every succeeding Year, nominate Four other Inhabitants, and the Commissioners shall, before *June 24* yearly, choose Two of them;

5

and in Default of such Nomination, they shall appoint Two Inhabitants as aforesaid, to be Collectors of the Rates for the Year then ensuing; and in case any Person shall refuse to take upon him the Office of Collector, for 10 Days after his Appointment, Notice being given to him, or after having accepted the Office shall neglect to execute it, he shall, on being convicted before One of the Justices for *Bristol*, forfeit 20*l.*; and on every such Neglect, or on the Death of any Collector, the Commissioners shall appoint another: But no Person who shall have served that Office, or paid the Forfeiture, shall be liable to serve again for Three Years.

The Collectors shall quarterly, or oftener if required, deliver to the Commissioners an Account, verified on Oath, if demanded, of the Monies collected by them, and of the other Matters relating to their Office; and also, within 14 Days after each Quarter, pay over the Balance in their Hands to the Treasurer, or such Person as the Commissioners shall appoint; and in case any Collector shall neglect to account, or make Payment, any Two Justices for *Bristol*, on Complaint made to them, may make Enquiry into it, as well by Confession of the Party as by the Oath of a credible Witness; and they shall commit the Offender to Gaol until he accounts and makes Payment as aforesaid, or compounds for the same.

The Commissioners shall make a Rate on all Premises within the Parish of *St. Thomas*, for any Sum not exceeding 250*l. per Ann.* and direct the Collectors to collect it quarterly or half-yearly, One Half whereof shall be paid by the Owners, and the other by the Tenants of the Premises.

The Occupier of the Premises shall be liable to pay the whole Rate, and may deduct the Landlord's Half out of his Rent.

The Commissioners shall assess the Owner of every House occupied by more Tenants than One; and in case any of the Tenants shall refuse to pay the Rate, it may be levied by Distress and Sale of the Goods of the Defaulter, who may deduct the same out of his Rent.

This Act shall not make void any Agreement between Landlord and Tenant, relating to the Payment of Rates:

Nor shall it charge any House with the Rate for the Time it is unoccupied.

The Commissioners may inspect Duplicates of the Assessments of the Land Tax for the Parish *gratis*, in order to ascertain the Rates to be made by virtue of this Act, and may take Copies.

The Rates shall take place from *June 24, 1790*; and after Payment of the Money borrowed on the Credit of those Rates, the

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**p. 445.**

Determination of all Annuities charged thereon, and Payment of the Expence of obtaining this Act, and putting it into Execution, shall cease.

Rates in Arrear may be levied at any Time by any succeeding Collector.

The Commissioners may make an additional Rate for making good any Deficiency which may arise from Insolvency or otherwise.

p. 437. The Rates shall be allowed by Two Justices for *Bristol*, and the Collectors, by Warrant of such Justices, may levy the same by Distress and Sale of the Goods of such Persons as are rated thereto, and shall refuse Payment; such Distress to be sold, if the Goods are not redeemed in Six Days.

In case Distress cannot be found, any Two Justices may commit the Offender to Gaol, for any Time not exceeding Two Months.

p. 438. The Rates may be levied by Distress and Sale of the Goods of any Person making Default in Payment, not only in the Parish of *St. Thomas*, but in any other Place, the Warrant for levying whereof being first countersigned by a Justice of that Place.

p. 439. If any Person shall think himself aggrieved by any Rate, he shall first apply for Relief to the Commissioners, who may make such Order therein as to them shall seem meet; and if he shall not be satisfied with their Determination, he may, after paying the Rate, appeal to the Justices at the Quarter Sessions held for *Bristol* within Three Months thereafter, on giving 10 Days Notice to the Collectors, and, after such Notice, on entering into a Recognizance within Four Days, before a Justice, with Two sufficient Sureties, in a Sum not exceeding 40*l.* nor less than 20*l.* to abide the Order of the Justices; and such Justices shall finally determine the Matter of Appeal in a summary Way, and may amend the Rates in such Manner only as may be necessary for giving Relief to the Appellant.

p. 440. The Trustees of *St. Thomas Parish Lands*, and of the Market and Tolls, may raise by Life Annuities, or Mortgage, any Sum not exceeding 400*l.* on the Credit of *St. Thomas Parish Lands*, and not exceeding 300*l.* on the Credit of the said Market and the Tolls, and shall pay the same to the Commissioners or Treasurer: And the said *Henry Durban* and *Thomas Lewis* shall sell 1,470*l.* Stock (being the Remainder of the said Sum of 1,500*l.* over and above 30*l.* Stock retained to answer the said Sums of 10*l.* and 20*l.* given by *Elizabeth Elton* and *Thomas Lewis* for charitable Purposes), and pay the Money arising thereby to the Commissioners or to their Treasurer; and the Commissioners may borrow at Interest on the Credit of the Rates, or by Life Annuities, such Sum as they shall think expedient, not exceeding 3,500*l.*

The Annuities shall be granted according to some certain Rules or Table of Calculations agreed on by the Persons granting the same.

The Money to be raised shall be applied, in the First Place, in paying the Expences of obtaining this Act, and in the next Place, in taking down and rebuilding the Parish Church, and the Tower thereof, if the Trustees, or any Five of them, shall judge necessary, and in otherwise putting this Act in Execution.

p. 446. The Commissioners shall take down the Church, and the Tower, or such Part thereof as they think necessary, and rebuild the same, and in doing so, they shall either make use of the old Materials, or otherwise sell them; and shall lay any Ground which may be left after rebuilding the Church and Tower, into the Church Yard of the Parish, for the Purpose of enlarging it.

Any Justice for *Bristol* may determine any Offence against this Act; and he shall, on due Proof made thereof, either by the voluntary Confession of the Party, or by the Oath of a credible Witness, give Judgement for such Penalty as by this Act is directed, and shall issue his Warrant for levying it, with Costs, by Distress and Sale of the Offender's Goods, which shall be sold, if not redeemed within Six Days; and the Penalties, when so levied, shall be applied the Purposes of this Act; and if sufficient Distress cannot be found, the Justice shall commit the Offender to Gaol for Three Months.

If any Person shall be summoned to give Evidence before a Justice, or at the Quarter Sessions, touching any Question under this Act, shall neglect to appear, or shall refuse to be examined, he shall forfeit 20*l.* to be recovered and disposed of in Manner aforesaid.

The Justices before whom any Person shall be convicted of any Offence against this Act, shall cause the Conviction to be drawn up in the following Form, or in any other to the same Effect; viz.

City of *Bristol* and County of the same City, to wit. } *BE it remembered, That on this Day of the Year of our Lord is convicted before of His Majesty's Justices of the Peace for the said City and County, by virtue of an Act of Parliament made in the Thirtieth Year of the Reign of King George the Third, for rebuilding the Parish Church and Tower of Saint Thomas, within the City of Bristol, of* [specifying the Offence, and the Time and Place when and where the same was committed, as the same shall be].

Given under my Hand and Seal, [or our Hands and Seals], the Day and Year first aforesaid.

If any Person shall think himself aggrieved by any Thing done, for which no particular Mode of Relief hath been hereby appointed, he may appeal to the Quarter Sessions for *Bristol*, within Three Months thereafter, the Appellant first giving 10 Days Notice of his Intention to the Commissioners, and within Four Days thereafter entering into a Recognizance before a Justice, with Two sufficient Sureties, in a Sum not exceeding 40*l.* nor less than 20*l.* conditioned to try such Appeal, and abide the Order of the Justices; and the Justices at such Sessions shall finally determine the Matters of such Appeal, in a summary Way.

p. 449.

No Proceedings to be quashed for Want of Form, nor shall be removeable into any Court of Record at *Westminster*; and where Distress shall be made, it shall not be deemed unlawful, nor the Party making it be deemed a Trespasser on Account of any Want of Form in the Proceedings, nor shall he be deemed a Trespasser *ab initio*, on account of any Irregularity afterwards done; but the Person aggrieved thereby may recover Satisfaction for the special Damage in an Ac-

tion on the Case; the Plaintiff however shall not recover in any such Action, if Tender of Amends shall be made before the Action is brought, on Behalf of the Defendant.

No Action shall be commenced for any Thing done until the Expiration of 30 Days after Notice shall be given to the Defendant, nor after Tender of sufficient Amends hath been made to the Party aggrieved, nor Six Months after the Fact committed; and the Action shall be laid in *Bristol*; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the same was done by Authority of this Act: And if it shall so appear, or if it shall appear that the Action is brought contrary hereto, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall discontinue the Action, or shall be nonsuited, or if on Demurrer Judgement shall be given against him, the Defendant shall have Treble Costs.

p. 450.

This shall be deemed a Publick Act; and shall be judicially taken Notice of as such, by all Judges, &c.

p. 459.

An ABSTRACT of an Act for better supplying the City of *Norwich*, and the Parts adjacent, with Water.

Anno tricesimo GEORGII III. Regis.

## C A P. XXI.

THE Preamble sets forth, That the Corporation of *Norwich* are Owners of certain Buildings and other Works for raising and conveying Water from the River *Wenson* into that City; and that it is of great Consequence to the Inhabitants to have a constant Supply of Water, which the Corporation are willing to undertake to procure, on having Powers granted to them for that Purpose: It is therefore enacted, That the Corporation may erect, make, and maintain all such Buildings, Engines, Reservoirs, and other Works, in such Manner as they think necessary for raising and conveying a sufficient Quantity of Water from the River *Wenson* to *Norwich*, and the Parts adjacent, for the Use of the Inhabitants; for which Purposes they may break up any Street or Road, and make use of any private Lands

p. 455.

p. 456.

within the City and Parts adjacent, and lay Pipes, &c. and may do all other Things as they shall judge necessary for conveying the Water to the Houses of the Inhabitants; and they shall make Satisfaction to the Persons interested in any private Lands which shall be made use of, or damaged, in carrying this Act into Execution; but if the Parties do not agree about the Amount of such Satisfaction, within 30 Days after Application shall have been made for that Purpose, it shall be settled by a Jury, at the Quarter Session; and the Justices at such Session shall (21 Days Notice being given to the Persons interested as aforesaid, under the Hand of the Mayor) charge a Jury to enquire into and ascertain the Value of the Land so to be used, or the Damage done to any private Property; and upon the Jury's Verdict concerning

p. 457.

p. 458.

p. 460.

p. 461.

p. 467.

cerning the same, the Justices shall give Judgement; which Verdict and Judgement shall be binding, and shall be entered and kept among the Records of the Quarter Sessions for *Norfolk*; and on Payment of the Sum agreed upon, or ascertained by a Jury; or if any Person, intitled thereto, shall refuse to accept it, then on leaving it in the Hands of the Town Clerk of *Norwich*, for the Use of such Person, the Land aforelaid shall be vested in the Corporation: But the Corporation shall not injure any House, or make use of any Yard, or Avenue to any House, without the Consent of the Owner.

p. 459. If any Person shall interrupt the Corporation in performing any of the Works aforelaid, or shall take away, or injure them, he shall forfeit to the Corporation a Sum not exceeding 10*l.* and shall also make good the Damage.

No Person shall bathe in any of the Reservoirs, or wash or throw any Thing into the Water which may pollute the same, or suffer the Water of any Drain to run into it, or wash any Skins in any Part of the River *Wensum*, within 600 Yards from the *New Mills*, on forfeiting for every such Offence a Sum not exceeding 40*s.*

p. 460. Any of the Inhabitants, desirous of having the Water laid into their Houses, may (having first obtained the Consent of the Corporation) lay Leaden Pipes (the Bore thereof to be ascertained by the Corporation) from their Houses, to communicate with the main Pipes, on paying a fixed Sum for the same; and if any Person shall make Default in Payment thereof, the Corporation may deprive him of the Use of such Pipe; and if any Person shall lay a Pipe, without the Consent aforelaid, he shall forfeit 10*s.* for every Day it shall remain.

The Ground opened for laying or repairing any Pipe, shall be filled up as soon as convenient; and, in the mean Time, shall be fenced, so as that it may not be dangerous to Passengers, on Penalty of 10*s.*

All Penalties shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and if sufficient Distress cannot be found, the Justice shall commit the Defaulter to Gaol, for any Time not exceeding Three Months.

If any Person shall think himself aggrieved, he may, within Four Months thereafter, appeal to the Justices at the Quarter Session for *Norfolk*, who shall finally determine the same in a summary Way. p. 461.

If any Action shall be prosecuted, it shall be brought within Six Months after the Fact committed, or, if there shall be a Continuation of Damages, then within Six Months after the doing thereof shall cease, and shall be laid in *Norfolk*; and the Defendant may plead the General Issue, and give the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of this Act; and if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; or if the Plaintiff shall become Nonsuit, or suffer Discontinuance of Action, &c. the Defendant shall have Treble Costs.

This Act shall not affect any Lease heretofore granted by the Corporation of the Water-works, or empower them to supply any of the Inhabitants with Water during the Continuance of any such Lease. p. 462.

This Act shall be deemed a Publick one; and shall be judicially taken Notice of as such, by all Judges, &c.

# AN ABSTRACT of an Act for the better Relief and Employment of the Poor, within the Hundreds of *Colneis* and *Carlford*, in the County of *Suffolk*.

Anno tricesimo GEORGII III. Regis.

## C A P. XXII.

p. 467. THE Preamble sets forth, That an Act was made in 29 Geo. II, Cap. 79, for the better Relief and Employment of the Poor,

within the Hundreds of *Colneis* and *Carlford*; and in 4 Geo. III, an Act was made to amend and render it more effectual: That a House

p. 468. House of Industry and other Buildings have been fitted up in the Parish of *Nelson*, for the Reception and Employment of the Poor, and a great Number of poor Persons are now maintained there: That 4,200*l.* have been borrowed on the Credit of the Assessments authorized to be made by the said Acts, in order to defray the Expence of erecting and fitting up the Buildings; and there is also due to the Treasurer 850*l.* and that the Number of the Poor within the said Hundreds has greatly increased, and the House is found too small for their Reception, and the Produce of the Assessments is not sufficient to defray the Expence of supporting them, and to pay off the Money borrowed, and the recited Acts are found in many other Respects ineffectual for the Purposes thereby intended: It is therefore enacted, That the recited Acts shall be repealed.

p. 469. Every Person seized in his or her own Right (or in the Right of his Wife) of Premises within the Hundreds of *Colneis* or *Carlsford*, rated to the Pours Rates at the yearly Value of 30*l.* and all Persons in the Commission of the Peace for *Suffolk*, residing in either of those Hundreds, or within Five Miles thereof, and also the Rectors and Vicars of the Rectories and Vicarages within the same, and all Occupiers of Premises there, rated to the Pours Rates at the Value of 60*l. per Ann.* shall be incorporated and called, *Guardians of the Poor of the Hundreds of Colneis and Carlsford, in the County of Suffolk*, and, by that Name, shall have perpetual Succession, and a Common Seal.

All Women qualified to act as Guardians, shall only be allowed to act as such by Proxies; but no Person shall be capable of acting as a Proxy, who is not a Guardian; and no Guardian can hold more than One Proxy.

p. 470. The Corporation shall not be capable of holding Lands or Tenements (except as herein-after mentioned) for a longer Term than Five Years, but shall within that Time sell all such Lands, &c. as may be granted to them for the Benefit of the Poor; and the Money arising by such Sale, and the Rents of the Premises until Sale, shall be paid to the Treasurer, for the Use of the Corporation.

The House of Industry, and the Buildings erected as aforesaid, and all Lands purchased or taken, and also the Goods, and other Things, provided by the Guardians, under the recited Acts, shall be vested in the Guardians of the Poor incorporated by virtue of this Act, for the Purposes herein-after mentioned; and the Poor now maintained, and those who shall hereafter apply for Relief, shall be put under their Management.

The Guardians shall meet at the *Golden*

*Lion*, at *Ipswich*, on the Second *Tuesday* after the passing of this Act, between Ten and Two, and appoint a Chairman, who shall cause the rest of the Guardians present to proceed, by Ballot, to chuse 24 Persons, p. 471. qualified as herein-after mentioned, to be Directors of the Poor, and 24 of their own Body to be acting Guardians.

The Directors and acting Guardians shall hold Quarterly Meetings, viz. On the First Monday after April 5, the First Monday after July 5, the First Monday after Oct. 10, and the First Monday after Jan. 5; and the Meeting to be held on the First Monday after April 5, in every Year, shall be held at *Ipswich*, and the other of the Quarterly Meetings shall be held at *Woodbridge* and *Ipswich* alternately; and at any of the Quarterly Meetings the Directors shall, by Ballot, fill up any Vacancies that may have happened in the Direction, by Death, or otherwise; and they, and the acting Guardians, shall, in like Manner, fill up any Vacancies that may have happened in the 24 acting Guardians, by Death, or otherwise; and at the Quarterly Meeting on the First Monday after April 5, in every Year, the Directors and acting Guardians shall, also by Ballot, chuse 24 of the Guardians to be the acting Guardians for the following Year, 12 of whom shall not have been chosen the preceding Year; and shall examine and audit the Treasurer's Accounts; and then shall, by Ballot, elect him, or any other Person, to be Treasurer for the following Year.

No Person shall be capable of acting as a p. 472. Director, unless he shall be seized of Lands or Tenements rated at 30*l. per Ann.* or shall be a Rector or Vicar within the Hundreds, or in the Commission for *Suffolk*, and residing within either of the said Hundreds, or within Five Miles thereof, or shall be an acting Commissioner of the Land Tax for the County, and usually resident within Five Miles of one of the Hundreds, or shall occupy Lands, &c. therein, rated to the Pours Rates at 100*l. per Ann.*; and every Guardian and Director shall, before he acts, deliver to the Chairman of the Meeting his Qualification.

The Directors and acting Guardians shall, at the April Meeting, appoint 12 from among themselves (Six whereof at least to be Directors) for each Quarter of the succeeding Year, to inspect and provide for the Poor; and that Committee, or any Three of them (whereof Two shall be Directors) shall meet at the said House, between 10 and 12 on the Monday Morning in every Week, or oftener if necessary, and shall give such Orders as they think proper relative to the Management of the Poor.

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p. 473. The Directors and acting Guardians may alter the Days of the Week, and Places of the future Quarterly or Weekly Meetings, provided Two Thirds of them then present shall consent thereto, and that Notice be given in the next *Ipswich* Newspaper.

The 12 Directors and acting Guardians, to be chosen for any Quarter, may divide themselves into Committees of Four, to act Monthly, but so as not to preclude any of them, or any other of the Directors, from voting at their Meetings; and if there shall not, at any Meeting, be Three Directors and acting Guardians present (whereof Two shall be Directors) every Director who ought to have attended, and shall be absent, shall forfeit 20 s. and every acting Guardian 10 s. unless reasonable Cause be shewn for such Absence, or unless he shall have procured another to attend in his Stead.

The Directors and acting Guardians shall, at their First Quarterly Meeting, or at any Special Meeting, to be held pursuant to Notice in the *Ipswich* Newspaper for Two Weeks, chuse, by Ballot, a Clerk and Treasurer, whom they may discharge at Pleasure, and shall pay them reasonable Salaries, and take such Security from the Treasurer as they think fit; and every Officer employed in the Receipt or Expenditure of Money shall, at every Quarterly Meeting, give an Account thereof; and shall pay over the Money in his Hands, and he shall verify his Account on Oath, if required; and if any such Officer shall not give such Account, or refuse to verify it, any Two Justices for *Suffolk* may enquire into the same in a summary Way, as well by Confession of the Party, as by the Oath of a credible Witness, and, upon Conviction, they shall commit the Offender to Gaol until he complies; and if such Officer shall neglect to pay over the Balance in his Hands, any Two Justices may enquire into the same, in Manner aforesaid, and cause it to be levied by Distress and Sale of his Goods; and if sufficient Distress cannot be found, he shall be committed to Gaol until he pays the Money or compounds for it.

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The Directors and acting Guardians may purchase any Quantity of the Waste Land within the Hundreds (not exceeding 50 Acres), and any Quantity of private Lands there (not exceeding 100 Acres); and it shall be lawful for the Lord of any Manor, Corporations, &c. or any Person interested in such Lands, to sell and convey the same to the Corporation aforesaid; and every such Sale and Conveyance shall be valid in Law; and the Purchase Money for the Waste Land shall be divided between the Lord of the Manor wherein it shall be

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situate, and the Persons entitled to Right of Common thereon.

If the Lord of the Manor shall, for 42 Days after Notice is given him, refuse to treat for the Sale of such Waste Land, or shall not agree about its Value, or, by reason of Absence, or otherwise, shall be prevented from treating, the Value shall be ascertained by a Jury, at a Quarter Session for *Woodbridge*; and the Justices shall, on Application made to them by the Treasurer or Clerk (21 Days Notice being given to the Lord of the Manor), charge a Jury, who shall thereupon ascertain the Value of the said Waste Land, and the Proportion to be paid to the Lord of the Manor, and the Justices shall give Judgement according to their Verdict; which Verdict and Judgement shall be binding.

p. 477.

On Payment of the Money agreed upon as the Value of the private Lands to be purchased as aforesaid, and which shall be agreed on or ascertained by a Jury, as the Value of the Waste Lands, to the Persons entitled thereto, or in case the Lord of the Manor, or any Person entitled to Right of Common on the Waste Land, shall, on Tender of his Proportion of the Money to be paid for such Waste Land, refuse to accept it, or by reason of Absence, or otherwise, a Tender thereof cannot be made, then, on leaving it with the Treasurer for his Use, the Waste and private Lands shall be vested in the Corporation, for the Purposes of this Act.

The Directors and acting Guardians may exchange the Lands to be purchased as aforesaid, for any Lands more conveniently situated to the House of Industry.

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The Directors and acting Guardians may enlarge the present House of Industry, and erect a Building for a House of Correction; and also such other Buildings as they think necessary.

The Houses, Lands, &c. belonging to the Poor, shall be free from all Parochial Taxes and County Rates, and shall never be rated to any Parliamentary Aids at any higher Value than the Lands were rated to the Land Tax at the Time of passing this Act.

p. 479.

The Workmen employed under the Directors and acting Guardians, may dig and carry away any Gravel or Stone, and manufacture the same, for enlarging the present, and for erecting new Buildings out of, or from any Waste Land within the Hundreds, without any Expence, on filling up or fencing in the Pits; and if any Person shall take away any of the Materials from such Pits before the Workmen shall have discontinued working therein for 21 Days, he shall forfeit 40 s.

If any Person shall obstruct the repairing or



or erecting such Buildings, or the inclosing the Waste Ground, or shall damage the same, he shall be subject to the like Penalties as in Cases of Felony; but the Court, in Mitigation of such Punishment, may award such Sentence as the Law directs in Cases of Petit Larceny.

The Directors and acting Guardians shall provide a proper Stock of Materials and Tools for the Employment of the Poor.

The Directors and acting Guardians may place out, for One Year, any of the Children maintained in the Poor House, or (with the Consent of Two Justices), may bind them Apprentices to any Persons occupying Lands or Tenements, or using any Trade within the Hundreds; Regard being had to apportion the Number of Children which shall be bound Apprentices, according to the annual Sum which such Persons shall be assessed to the Poor Rate; or (with the like Consent) may bind them to the Governor of the House, or to any other proper Person; or may bind the Male Children Apprentices to the Master of any Vessel, in like Manner as Churchwardens and Overseers of the Poor, with the Assent of the Justices, are empowered to do; but no Boy shall continue an Apprentice after the Age of 21, or Girl after 18; and the Persons to whom such Children shall be placed out for One Year, or apprenticed, shall be obliged to provide for them in the usual Manner; and shall not assign them over (except with the Consent of the Directors and acting Guardians); and the Children already bound shall continue the Remainder of their Apprenticeships.

In case any Child shall be ill treated by his Master, any Justice may discharge him from his Service or Apprenticeship, and may order and direct the Master to pay a Fine to the Treasurer, not exceeding 10*l*.

The Directors and acting Guardians may let out any poor Person to be employed in Harvest or other Work; and if any Difference shall arise about the Wages, any Justice may settle it.

The Directors and acting Guardians may contract with any Person for employing the Poor within the House of Industry, on such Terms as they think proper; but no Contract shall be in Force for a longer Time than One Year.

The Profits arising from the Labour of the Poor shall be paid to the Treasurer, and applied for the Purposes of this Act: Provided such Rewards shall be distributed to such of them as shall be industrious, in Proportion to the Quantity and Quality of their Work, as to the Directors and acting Guardians shall appear reasonable; but no Part of such Rewards shall be expended in Spirituous Li-

quors, the drinking of which the Governor and Matron of the House shall prevent.

If the Parents or Friends of any such poor Persons shall desire to provide for them, the Directors and acting Guardians shall deliver them up; or if any of such Poor can maintain themselves, and shall desire to be dismissed, the Directors and acting Guardians shall dismiss them.

This Act shall not affect the Settlement of any Person, or give any illegitimate Child, born in the House, a Settlement in the Parish wherein such House is situate, but the Child shall be considered as settled in the Parish to which the Mother belongs; and no Child, apprenticed to the Governor, shall acquire a Settlement by virtue of such Apprenticeship.

When any poor Person shall make Complaint to the Directors and acting Guardians, that although he has applied to a Churchwarden or Overseer of his Parish, yet, after Seven Days, he is still without Employment, any Justice shall, on Complaint made to him, by Order of the Directors and acting Guardians, summon the Churchwarden or Overseer to appear before him, and examine into such Complaint; and may afterwards direct the Person to be employed by some Inhabitant of the Parish; and if no Inhabitant shall employ him, the Justice shall direct the Churchwardens or Overseers to make a weekly Allowance to such poor Person; and the same shall be raised by a Parish Rate.

All Persons within the Hundreds, who are idle and disorderly, and neglect to maintain themselves and their Families, may be prosecuted for such Offences by the Directors and acting Guardians, or the Churchwardens and Overseers, and, on Conviction, shall be punished, as idle and disorderly Persons are, by an Act made for that Purpose, in 17 *Geo*. II, directed to be punished.

Any of the Directors and acting Guardians may apprehend any Person who, not having wherewith to maintain himself, lives in Idleness, and refuses to work for the usual Wages; and if any Justice shall convict him of such Offence, he shall be punished as a Rogue and Vagabond.

The present Bye-laws shall continue in Force; and the Directors and acting Guardians may make new ones, for the governing of the Poor; and every Bye-law shall be printed, and placed in some conspicuous Place in the House, and shall be read publicly by the Governor monthly: But no such Bye-law shall be made, or repealed, unless the major Part of the Directors present shall concur therein.

The Churchwardens, Overseers of the Poor, and Trustees, in whom any Estates have

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have been vested, for the Benefit of the Poor, shall deliver to the Directors and acting Guardians, after Three Months Notice, a particular Account of those Estates; and the Directors and acting Guardians, with the Consent of such Churchwardens and Overseers, and Trustees, may let such Estates for the highest Rent.

In case any Legacy, &c. shall be given to any Place within the Hundreds, for the Use of the Poor, and no particular Directions shall be given for its Distribution, it shall be distributed to such Poor as the Directors and acting Guardians shall appoint; and every Person misapplying such Money shall forfeit Treble its Value.

The Directors and acting Guardians shall assess the several Places within the Hundreds in such Sums as they think necessary, for defraying the Expences of maintaining the Poor for the current Quarter, and for paying off the Principal and Interest of the borrowed Money; and the Assessments being signed by Two Justices for the County, or by the Justices at the Quarter Session, the Directors and acting Guardians shall issue Warrants, under the Seal of the Corporation, to the different Churchwardens or Overseers of the Poor, requiring them to pay the Money assessed on their respective Parishes to the Treasurer, whose Receipt shall be a sufficient Discharge: And for raising the Assessments, the Churchwardens and Overseers, with as much Equality as may be, shall rate thereto every Inhabitant and Occupier of Lands, &c. and shall collect and pay to the Treasurer all Arrears of Assessments under the recited Acts; and in case of a Deficiency in any Assessment, an additional Rate shall be made to make it good; and all such Rates shall be levied in such Manner as any Money authorized to be raised for the Relief of the Poor can by Law be levied; and with the same Power of Appeal to Persons who may think themselves aggrieved.

The Sums to be assessed by the Directors and acting Guardians shall not exceed, in One Year, Double the Sum hitherto assessed for the Relief of the Poor for the same Time, under the recited Acts, and shall be in the same Proportion as the Assessments made by virtue thereof: The Assessments first made, in pursuance of this Act, shall not be lessened until Two Thirds of the borrowed Money shall be paid off.

This Act shall not prevent the Churchwardens and Overseers from raising such Sums as are required by Law to be paid out of the Poores Rates; and all such Houses, and other Premises, as are now charged thereto, shall continue chargeable.

The Rates shall be a Security for the

Money borrowed; and the Mortgages made under the recited Act of 29 Geo. II, shall be deemed Mortgages under this Act.

Any Seven Directors may borrow (in Addition to the before-mentioned Sum of 4,200 l.) such Sum as they think necessary, so that the Money due on the Credit of this Act does not exceed 7,000 l. and may mortgage the Rates as a Security; which Mortgages shall be in the Words or to the Effect following:

*By virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled [Insert the Title of the Act], we, the Guardians of the Poor of the said Hundreds incorporated by the said Act, in consideration of the Sum of*  
*now advanced and paid to the Treasurer appointed by virtue of the said Act, by*  
*do hereby assign*  
*unto the said*  
*Executors, Administrators, and Assigns,*  
*being the Proportion of*  
*the Rates to be made by virtue of the said Act,*  
*which the said Sum of*  
*bears to the whole Money secured, or to be*  
*advanced on the Credit of the said Rates, to*  
*hold unto the said*  
*Executors, Administrators, and Assigns, from*  
*this Day of*  
*the said Sum of*  
*for the same, after the Rate of*  
*per Cent. per Ann. shall be repaid and satisfied. In Witness whereof, we have hereunto*  
*affixed our Common Seal, this*  
*Day of*

And the Mortgagees under the recited Act, and this Act, may, either by Indorsement on their Securities, or by a separate Instrument, under their Hands and Seals, transfer their Mortgages; which Transfers may be in the Words or to the Effect following:

*I do hereby transfer the*  
*within Mortgage [if by Indorsement], or*  
*a certain Mortgage [if by a separate Instru-*  
*ment], made to*  
*Executors,*  
*Administrators, and Assigns, bearing Date the*  
*Day of*  
*of the*  
*Rates arising by virtue of an Act of Parliament*  
*made in the Thirtieth Year of the Reign of*  
*King George the Third, intituled [Insert the*  
*Title of the Act], and all my Right and Title*  
*to the Money thereby secured, unto*  
*Executors, Administrators, and As-*  
*signs. Dated this*  
*Day of*

And Copies of all such Mortgages, and Extracts of such Transfers, shall be entered in a Book by the Clerk, who shall be paid for the Entry of every Transfer 1 s. and all Persons

Persons interested may inspect the Book of Entries without Expence; and the Mortgagees shall be Creditors on the Rates in an equal Degree.

The Directors and acting Guardians shall, out of the borrowed Money, in the first Place, pay the Expence of obtaining this Act, and the Sum of 850*l.* due to the Treasurer as aforesaid; and shall afterwards defray the Expence of enlarging the Buildings, and of purchasing Lands; and also the other Expences of carrying this Act into Execution.

*p. 493.* When the Majority of Directors and acting Guardians present at any Quarterly Meeting, of which Majority Seven shall be Directors, shall determine that any Part of the borrowed Money shall be discharged, they shall cause Three Months Notice to be sent to the Mortgagees intended to be paid off; and if any Mortgagee shall neglect to attend agreeable to Notice, or shall not give a full Discharge for his Security, the Interest shall cease.

The Churchwardens and Overseers of the Poor, and other Parish Officers, shall assist the Directors and acting Guardians in the Execution of this Act; and shall produce such Books and Accounts as the Directors and acting Guardians may judge necessary to examine for the Purposes of this Act, and shall, on Oath, verify the same; and in case

*p. 494.* any Churchwarden or Overseer shall neglect to levy the Sums herein-before directed to be levied, or to account for and pay over the Money collected, when required, or if any Parish Officer shall neglect to obey the Warrants of the Directors and acting Guardians, he shall be summoned, by Writing under the Hands of any Three of them, to appear at their next Quarterly Meeting; and if any such Churchwarden, &c. or other Parish Officer, shall neglect to appear at such Meeting, or shall not shew sufficient Cause to justify himself, he shall forfeit any Sum not exceeding 5*l.*

The Directors and acting Guardians may grant Certificates to any Person whose Settlement is in any Parish within the Hundreds, and who shall be willing to remove, or who shall have removed, to any other; which Certificates, being attested by their Clerk, and signed by the Justices, shall be valid, and none shall, in future, be granted by the Churchwardens or Overseers; and all Certificates which have been delivered to the Directors and acting Guardians, by virtue of the recited Act, shall remain in their Custody, and all Certificates which shall hereafter be delivered to the Churchwardens or Overseers, shall, within 14 Days thereafter, be delivered to the Corporation's Clerk.

*p. 495.*

If any Parish Officer shall suffer any Stranger to reside within his Parish, who has not produced a Certificate from the Place of his Settlement, and shall neglect to give Notice thereof to the Directors and acting Guardians, within 30 Days thereafter, or shall know of any single Woman to be with Child, or to have been delivered of one, and shall neglect to give Notice as aforesaid, he shall forfeit 40*s.* to any Person chargeable to the Poor Rates, who shall give Information to the Directors and acting Guardians, within One Month after such Neglect; and if through such Neglect any Person shall become chargeable to the Parish, the whole Expence shall be defrayed by its Inhabitants.

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Bonds given to the Guardians, appointed by the recited Act, for indemnifying any of the Parishes from the Charges that may arise from Bastard Children, shall be forthwith delivered to the Directors and acting Guardians under this Act, who may sue on such Bonds in their own Name, and recover the Penalties; and all Bonds to be hereafter given for indemnifying the Hundreds against any Charge which may concern them relating to the Poor, shall be made to the Guardians.

Any Order from a Justice, for Relief to a Pauper, may be directed to the Churchwardens and Overseers of the Parish in which the Pauper resides; and the Directors and acting Guardians shall reimburse them the Money paid in pursuance of such Orders; and in case any Churchwarden or Overseer shall disobey any such Order, or refuse to assist in executing the Warrant of any Justice relating to Bastardy, or shall, on any Order of Maintenance, refuse to demand of the Father of any Bastard the Sum charged

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on him by such Justice, to be allowed for its Maintenance, or, knowing of any Father absconding, or disobeying any Order of Maintenance as aforesaid, shall not forthwith give Notice thereof to the Governor of the House, or to the Directors and acting Guardians, he shall forfeit a Sum not exceeding 5*l.* nor less than 40*s.* whereof One Moiety shall go to any Person chargeable to the Rates, who shall give Information thereof: But every Churchwarden or Overseer, who shall apprehend any Person so absconding, shall be allowed 6*d.* for every Mile he shall travel.

The Directors and acting Guardians may appoint a Governor and Matron of the Workhouse; and also a Surgeon or Apothecary to attend the Poor, and to make a Report to the Weekly Committee of the State of such Poor as are sick; and also may appoint a Clergyman to instruct the Poor maintained in the House, and to perform the

other

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*p. 498.* other Duties of his Function; and also a Schoolmaster to teach the Children, and to hear them repeat the Church Catechism Once a Week; and shall pay them Salaries; and the Governor and Matron shall, besides their Salaries, be allowed such Proportion of the Profits of the Work as the Directors and acting Guardians shall judge proper.

The Directors and acting Guardians may appoint Constables for the Purposes of this Act, who shall take the usual Oath before a Justice; and their Expences in the Execution of their Duty shall be paid by the Parish in which the Information shall happen.

*p. 499.* If any Governor, or other Officer, shall misapply any Money, or shall embezzle or damage any Thing belonging to the Corporation, he shall not only be discharged, but also forfeit 10 *l.* and Treble the Value of the Money or Things embezzled or damaged, to be levied by Distress and Sale of his Goods; and in Default of sufficient Distress, any Two Justices may commit the Offender to the House of Correction, for a Time not less than One Month, nor exceeding 12 Months.

If any poor Person, maintained in the Workhouse, shall be guilty of Vice or Immorality, or shall neglect to perform the Service required, he may (if under 12) be punished by moderate Correction, Abatement of Diet, or Distinction in Dress; or, if of the Age of 12, or upwards, then either by solitary Confinement, Abatement of Diet, or Distinction in Dress, or by being set in the Stocks, for any Space not exceeding 24 Hours; which Punishment shall be inflicted by Order of the Governor, if the Offence shall happen between the Weekly Meetings, otherwise by the Order of the Directors and acting Guardians.

*p. 500.* In case any of the Poor shall dispose of any of the Effects belonging to the Corporation, or of the House Apparel, any Justice shall issue his Warrant for apprehending the Offender, and, upon his Conviction, by the Oath of a Witness, or the Confession of the Party, shall cause him, for the First Offence, to be committed to the House of Correction, for a Term not exceeding 21 Days, and, for the Second Offence, to be dealt with as Persons convicted of Petit Larceny.

If any Person shall knowingly buy or receive any Wearing Apparel, or other Things, belonging to the Workhouse, he shall forfeit a Sum not exceeding 10 *l.* nor less than 20 *s.* whereof One Moiety shall be paid to the Informer.

*p. 501.* If any Person shall endeavour to convey any Spirituous Liquors into the Workhouse, he shall be subject to the like Penalties as are, by an Act of 24 *Geo.* II, directed to be inflicted on Persons conveying Spirituous Liquors into Prisons.

Justices may proceed on the Complaint of any of the Directors or acting Guardians, or of the Governor of the Workhouse, in all Cases where, by Law, they are empowered to proceed on the Complaint of the Churchwardens or Overseers; and the Warrants of any Justice, relating to the Poor, may be directed to the Governor of the House, who shall execute the same; and all Persons are required to aid him therein; and any Director or Guardian, in the Commission of the Peace for *Suffolk*, may act as a Justice in the Execution of this Act.

At the First Meeting of the Directors and acting Guardians, the Guardians appointed by the recited Act of 29 *Geo.* II. shall pay and deliver over to them the Money, and Books, and Writings belonging to the Poor, which shall be in their Hands; and at every subsequent Quarterly Meeting the Directors and acting Guardians for the preceding Quarter shall settle their Accounts, and cause them to be laid before the next Quarter Session for the County; and the Justices, if they think proper, may pass them, for which a Fee of 10 *s.* 6 *d.* shall be paid to the Clerk of the Peace or his Deputy. *p. 502.*

But no Proceeding of the Directors and acting Guardians shall be valid, unless Nine (whereof Six to be Directors) be present at a Quarterly or Special Meeting, and Two Directors and One acting Guardian at a Weekly or other Meeting; and on all Questions, not directed to be determined by Ballot, where the Votes shall be equal, the Chairman shall have the casting Vote; and the Guardians, and the Directors and acting Guardians, shall, at all their Meetings, bear their own Expences.

If a sufficient Number of Directors and acting Guardians shall not attend, at any Quarterly Meeting, every Absentee shall forfeit 5 *l.* to be levied by Distress and Sale of his Goods, by Order of the next Quarter Sessions, unless he shews just Cause to the contrary; and if the Number be not made up, any Director present shall adjourn the Meeting for any Time not exceeding 10 Days, and if the Directors and acting Guardians shall not meet pursuant to such Adjournment, the necessary Assessments for the Purposes of this Act shall be made by Two Justices; and in case no such Assessment shall be made within 30 Days after a Quarterly Meeting ought to have been held, the Rates shall be raised by the respective Churchwardens and Overseers of the Poor for that Quarter, in the Manner they were raised for the One preceding, and the Money shall be paid to the Treasurer. *p. 503.*

If at any Time 10 Guardians, or more, who shall be seised in Premises lying within the Hundreds of the yearly Value of 4,000 *l.*

shall

shall be dissatisfied with the Management of the Directors and acting Guardians, they may, by giving Three Weeks Notice in the *Ipswich* Newspaper, call a general Meeting of the Guardians, to be held at the Place where the last Quarterly Meeting was held; and if it shall be made appear, that there has been Mismanagement of the Trust reposed in the Directors and acting Guardians, the

p. 504. Guardians may dismiss them, and chuse new ones, who shall continue in Office until the Expiration of the Year for which the acting Guardians so dismissed were chosen.

All Penalties directed to be paid for the Use of the Poor of any Parish within the Hundreds, by any Act of Parliament, and which shall come into the Hands of any Officer, shall be paid to the Treasurer to the Directors and acting Guardians, and shall be applied for the Purposes of this Act.

All Penalties by this Act imposed (the Manner of recovering whereof is not otherwise directed) shall, on Proof of the Offences before a Justice, either by the Confession of the Party offending, or by the Oath of a credible Witness, be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and the Money recovered (if not otherwise directed to be applied) shall be paid to the Treasurer, for the Purposes of this Act; and in case sufficient Distress shall not be found, any Justice may commit the Offender to Gaol, or the House of Correction, for any Time not exceeding Two Months.

p. 505. Every Person thinking himself aggrieved may appeal to the Justices at the next Quarter Session for *Woodbridge*, on giving Eight Days Notice to the Clerk to the Directors and acting Guardians, and within Four Days

thereafter entering into a Recognizance before a Justice, conditioned to try such Appeal, and to pay such Costs as shall be awarded; and the Justices shall finally determine the Appeal in a summary Way.

No Proceeding under this Act shall be quashed for Want of Form, or be removeable by *Certiorari* into any Court of Record at *Westminster*; and where any Distress shall be made, it shall not be deemed unlawful, nor the Party making it be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done, although the Person aggrieved thereby may recover Satisfaction for the special Damage, in an Action on the Case; but no Plaintiff shall recover in any such Action, if Tender of sufficient Amends hath been made on Behalf of the Defendant.

p. 506.

If any Action shall be commenced for any Thing done in pursuance of this Act, it shall be brought within Six Months after the Fact committed, and be laid in *Suffolk*; and the Defendant may plead the General Issue, and give the Special Matter in Evidence, and that the same was done by the Authority of this Act: And if it shall so appear, or that the Action is brought contrav hereto, the Jury shall find for the Defendant; and after such Verdict, or if the Plaintiff shall be nonsuited, or discontinue Action, or if on Demurrer Judgement shall be given against him, the Defendant shall recover Treble Costs.

This Act shall take place on the Second *Tuesday* after its passing, and shall be deemed a Publick one; and shall be judicially taken Notice of as such by all Judges, &c.

p. 511. An ABSTRACT of an Act to continue, for a limited Time, an Act made in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act to enable the Lord High Treasurer, or Commissioners of the Treasury for the Time being, to let to Farm the Duties, granted by an Act made in the Twenty-fifth Year of His present Majesty's Reign, on Horses let to Hire for travelling Post, and by Time, to such Persons as should be willing to contract for the same.*

*Anno tricesimo* GEORGII III. Regis.

C A P. XXIII.

p. 512. THE Preamble sets forth, That by 27 Geo. III, Cap. 26, the Commissioners of the Treasury were impowered, either by themselves, or by the Commissioners for Stamp Duties, to let the Duties granted by 25 Geo. III, on Horses let to Hire for travelling Post, for any Term not exceeding Three Years: That the Commissioners for Stamp Duties did let to Farm, separately in Districts, the respective Duties arising within each District, for Three Years, which Term will expire on or before Feb. 1, 1791: And that it appears to be expedient that the Provisions of the recited Act should be continued for a limited Time; it is therefore enacted, That after Aug. 1, 1790, the Commissioners of the Treasury, either by them-

selves, or by the Commissioners for Stamp Duties, whom they may authorise for that Purpose under their Hands and Seals, may let to Farm, separately in Districts, the said Duties arising within each District, to such Persons as shall be willing to farm them, so as the Duties respectively shall be put up at a Rent not less than the Gross Amount which they produced within the Year ending Aug. 1, 1787, subject to the several Regulations prescribed in the recited Act.

But no Agreement for letting to farm the Duties aforesaid shall continue for a longer Time than till Feb. 1, 1794.

All the Powers, Provisions, &c. of the recited Act, not altered by this Act, shall continue in Force.

An ABSTRACT of an Act for enabling His Majesty to raise the Sum of One Million, for the Uses and Purposes therein mentioned.

*Anno tricesimo* GEORGII III. Regis.

C A P. XXIV.

p. 519. TO enable His Majesty to take such Measures, and to make such Augmentation of His Forces by Sea and Land, as the

Exigency of Affairs may require, it is enacted, That His Majesty, by Warrant under His Sign Manual, may authorise the Treasury,

p. 520.

at



at any Time before Jan. 5, 1791, to direct Loans to be received, or Exchequer Bills to be made out for any Sum not exceeding 1,000,000 l. according to the Rules which the Malt Act of this Session prescribes concerning Loans or Exchequer Bills.

The Clauses in the last mentioned Act, relating to Loans or Exchequer Bills (except such as charge the same on the Malt Tax, and except such as limit the Rate of Interest), shall extend to this Act.

p. 521. The said Loans or Exchequer Bills, with Interest, &c. shall be charged on the First Supplies of next Session; and in case sufficient Supplies shall not be granted before July 5, 1791, then the same shall be charged

on the Consolidated Fund; from which the Monies shall be issued and applied, as soon as such Loans or Exchequer Bills can be regularly stated towards paying off the same, with Interest and Charges, or the Monies sufficient for that Purpose shall be kept in the Exchequer, to be payable on Demand to the Proprietors.

The Monies so issued out of the Consolidated Fund shall be replaced out of the First Supplies.

The Bank of England may advance Money upon the Credit of this Act; any Thing in an Act of 5 and 6 Gul. & Mar. to the contrary notwithstanding.

## An ABSTRACT of an Act for paving and otherwise improving the Town of *Honiton* in the County of *Devon*.

*Anno tricesimo* GEORGE III. *Regis*.

### C A P. XXV.

p. 527. THE Preamble sets forth, That it would be of publick Benefit if the Passage through the Town was rendered commodious, and if the Streets were properly paved, cleaned, and lighted, and all Incroachments removed, and if a regular

p. 528. Watch was established: It is therefore enacted, That the Lord of the Manor of Honiton, Sir George Yonge Bart. John Rolle Esq. John Blagdon Esq. Edward Honeywood Clerk, Stephen Robinson M. D. Samuel Lott, Jeshab Northcote Teed, John Bacon Sweeting, Courtenay Gidley, Joseph Cook, John Guard, Robert Pearse, John Lathy, Christopher Flood the younger, William John Tucker Clerk, Moses Williams, Noah Delabay Symonds, Edward Harrison, John Rogers, James Townsend, William Hayne Clerk, Richard Butler, John Pigeon, and William Williams, and every Person resident in the Parish of Honiton, or within Five Miles thereof, who shall, by March 25, 1792, pay to the Treasurer to be appointed as herein-after mentioned 5 l. 5 s. as a Gift towards carrying the above Purposes into Effect, shall be Commissioners for putting this Act in Execution.

But no Person shall be capable to act as a Commissioner (except in administering the Oath) unless he shall be, in his own Right, or in that of his Wife, in the Enjoyment of

a real Estate of the yearly Value of 30 l. or shall be Heir Apparent to one of 60 l. or shall be possessed of 800 l. Personal Estate, and until such Person (not being an Heir Apparent) shall have taken an Oath to the Effect following; (*viz.*)

I A. B. do swear, That I am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Thirty Pounds above Reprizes, or possessed of or entitled to a Personal Estate to the Amount or Value of Eight hundred Pounds.

And if any Person not so qualified shall act as a Trustee, he shall forfeit 50 l. to the Informer, to be recovered in any Court of Record at *Westminster*; and the Proof of Qualification shall lie on the Defendant.

No Person shall be capable of acting as a Commissioner (except at the First Meeting, to be held as herein-after mentioned) until he shall have paid to the Treasurer 5 l. 5 s. for the Purposes of this Act, nor while he holds any Place of Profit under it, or is engaged in any Contract; but the Commissioners that are Justices for *Devonshire* may act as such in the Execution of this Act.

The

The Commissioners shall meet at the *Dolphin Inn*, in *Honiton*, on the *Tuesday* Fortnight after the passing of this Act, between Ten and Four, and proceed to its Execution, and may adjourn to meet at the same, or at such other Place within the Town as they think proper; and if at any Meeting the Adjournment shall be neglected, or if there shall not appear a sufficient Number of Commissioners to adjourn, in every such Case the Meeting shall be adjourned for Three Weeks; public Notice of which shall be given as herein-after directed; and the Commissioners, at all their Meetings, whereof Five shall be a Quorum, except where a greater Number is by this Act required, shall defray their own Expences.

Where public Notice is required to be given, the same shall be printed, and affixed on all the Gates at which Tolls shall be collected by virtue of this Act, Ten Days previous to the Meeting or doing the Business relative to which the Notice shall be given.

The Commissioners shall meet on the *Monday* in *Easter Week*, yearly, at such Place in the Town as they think proper, which shall be called a General Meeting; at which the Accounts of Receipts and Disbursements shall be produced, and verified on the Oath of the Person accounting.

At every Meeting of the Commissioners they shall elect a Chairman, and in case of an equal Number of Voices on any Question, the Chairman shall have the casting Voice; and they shall sign their Proceedings, and no Order made by them shall be repealed at any subsequent Meeting, unless the Number voting for such Repeal shall be greater than the Number who made it.

When any Commissioner shall die or refuse to act, those remaining shall appoint another at a General Meeting.

Any Nine Commissioners may appoint a Clerk, Treasurer, and Surveyor, Collectors of Rates, and other Officers, and shall take proper Security from every such Treasurer and Collector; which Officers may be removed, but 10 Days Notice of the Meeting for every such Appointment or Removal shall be given as herein-after mentioned; and the Commissioners may allow them reasonable Salaries.

Every Officer, when required, shall render an Account, verified on Oath, of the Money received and disbursed by him, and shall pay over the Balance in his Hands; and if any Officer shall neglect to render such Accounts, or to deliver up the Vouchers relating thereto, or to verify the Articles on Oath, or neglect to pay over the Balance, the Commissioners may bring an Action against him, or, if Complaint shall be made to a Justice, he may summon the Person complained of to ap-

pear before him, and determine the Complaint in a summary Way; and if on the Confession of the Party, or the Oath of a credible Witness, it shall appear that a Balance is due from such Officer, the Justice shall, on Nonpayment thereof, cause it to be levied by Distress and Sale of his Goods; and if sufficient Goods cannot be found, or if the Officer shall not appear to the Summons, or if appearing shall refuse to produce his Account as aforesaid, or to deliver up the Vouchers relating thereto, or to verify the Articles on Oath, the Justice shall cause the Default to be committed to Gaol until he complies with these Particulars, and shall have paid the Balance due from him, or compounded with the Commissioners for the same.

So much of the *Axminster Turnpike Road* within *Honiton*, as leads from the Distance of 100 Yards East of the Entrance into *Shipley Lane*, and along *Axminster Road* by the Workhouse through *Warwick Lane*, and along *New Street* to the Market Crops in the *High Street*, and along the *High Street* to the Brow of *Bramble Hill*, and to *Star Crops Lane*; and also so much of the *Honiton Turnpike Road* as leads from *Shipley Lane* to the East End of the Town, and from the *Potter's Kilns Turnpike Gates* to the Market Crops in *High Street*, and also from the Corner of *Warwick Lane* in *New Street* to *Brook Hill Bridge*, and from thence to the Church, and from the Market Crops in the *High Street* along *Northcote Lane*, to *Cowley Barn*; and also from the East End of the *High Street* along *Clapper Lane*, and also from the *High Street* along *Dowell's Lane*, as far as the present Buildings extend, shall be under the Management of the Commissioners, instead of the Trustees who at present have the Care thereof.

The Commissioners may take down the Market Crops and the Shambles, with the Houses, and other Buildings, in the Middle of the *High Street*, and lay the Scites into the same, and sell the old Materials; and they may widen and change the Course of any of the Roads leading into the Town, as they think proper.

But the taking down the Market Crops, and other Buildings, shall not lessen the Rights of the Lord of the Manor, (except so far as respects the Scites of the Buildings to be laid into the *High Street*), to the Markets and Fairs in *Honiton*.

Bodies Politick, &c. Trustees, and other Persons possessed of or interested in the Shambles, and other Buildings aforesaid, or any Land necessary to be used for widening or changing the Course of any such Roads, may sell and convey the same for the Purposes of this Act; and all such Sales and Conveyances shall be good in Law: But if any Person

son shall refuse to sell, or by Reason of Absence, or otherwise, shall be prevented from selling, on Ten Days Notice by the Clerk, previous to any Quarter Sessions for *Devonshire*, given to him, or left on the Premises, the Justices at such Session, on p. 538. Proof of such Notice having been given, shall charge a Jury to ascertain the Value of the Premises, and shall give Judgement for the Money so to be ascertained by them; which Judgement shall be binding on all Parties interested, and shall be entered and kept among the Records of the Quarter Sessions.

On Payment of the Money agreed upon, or assessed by the Jury, to the Persons entitled thereto, they shall execute legal Conveyances of the Premises; and if any Person shall not be able to evince his Title to them, or refuse to make Conveyance thereof, on Tender of the Purchase Money, or if any Person entitled thereto cannot be found, or if it shall not appear who are entitled, the Commissioners may order the Purchase Money to be paid to the Treasurer, for the Use of the Parties interested; and he shall give a Receipt for the same, specifying for what Premises and for whose Use it is received, which Receipt shall be registered and kept among the Records of the Quarter Sessions; and immediately on such Payment and Registry, all the Estate and Interest of the Persons for whose Use the Money shall have been paid, shall vest in such Persons as the Commissioners shall appoint for the Purposes of this Act; and the Purchase Money to be paid to any Body Politick, or Trustees, shall be laid out in the Purchase of other Estates, to be settled for the same Uses as the Premises purchased by the Commissioners were settled; and until such Purchase can be made, the Money shall be placed in the Publick Funds, and the Interest shall be properly applied.

The Commissioners may pave the Streets of *Honiton*, and cleanse and light them in such Manner as they think fit, and make p. 541. Sewers therein; and no Person shall make any Alteration in the Pavement without the Consent of the Commissioners, on Penalty of 40 s.

The Commissioners may provide Lamps necessary for lighting the Streets, and fix them in such Parts as they think proper.

The Commissioners may contract with any Person for performing the Works required by this Act, on giving Ten Days Notice of their Intention to enter into such Contract; and in case of Breach of any such Contract, Actions may be brought for Damages and the Penalties incurred.

The Commissioners may appoint a sufficient Number of able Men to watch the Streets, and may give such Directions for

the regular Performance of their Duty, as they think proper.

If any Person shall wilfully injure any Turnpike or Toll House erected by virtue of this Act, or damage any of the Lamps, or any of the Works aforesaid, he shall forfeit a Sum not exceeding 20 s.

The Commissioners may yearly assess such Sum as they think necessary on the Occupiers of Houses and Lands within the Parish of *Honiton*, not exceeding 6 d. in the Pound of the annual Value of the Premises, such Value to be ascertained by any Nine Commissioners; and the First Year for which such Rate shall be made shall commence on the First Quarter Day after passing this Act, and the Money to be assessed shall be paid by equal Quarterly Payments to the Collector, who shall pay it over to such Persons as the Commissioners shall appoint; and if any Person neglects to pay the Rate for 10 Days after it is demanded, any Two Justices shall authorize the Collector to levy it by Distress and Sale of the Defaulter's Goods.

The Commissioners shall set up such Number of Turnpikes and Toll Houses on the Roads leading into the Town, within the Limits of this Act, as they think fit; and the Tolls following shall be demanded at every such Turnpike, or at any Turnpike already erected within One Mile and a Half from the Scite of the Market Crosse; (*viz.*)

For every Coach, or other such Carriage, drawn by Six or more Horses, 1 s.; and drawn by Three or Four Horses, 8 d.; and p. 544. drawn by Two Horses, 6 d.; and drawn by One Horse, 3 d.:

For every Waggon, or other such Carriage, drawn by Six Horses, 1 s. 6 d.; and drawn by Four or Five Horses, 1 s.; and drawn by Two or Three Horses, 6 d.; and drawn by One Horse, 3 d.:

For every Horse, &c. not drawing, 1 d.:

For every Drove of Oxen, Cows, or Neat Cattle, 10 d. per Score:

For every Drove of Calves or Hogs, 5 d. per Score; and so in Proportion for any greater or less Number: And

For every Drove of Sheep or Lambs, 2½ d. per Score:

And if any Person liable to the Payment of these Tolls shall refuse to pay them, the Collectors may seize any Horse or Carriage, upon which the Toll is imposed, or any of the Goods of the Owner of such Horse or Carriage; and if the Distress is not redeemed in Five Days, it may be sold.

Nothing in this Act shall impower the Trustees for putting in Execution an Act of 31 Geo. II, for repairing several Roads leading through the Borough of *Lyme Regis*, 10

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to erect a Turnpike between *Straitway Head* and *Fair Mile Inn*.

When Toll is paid at one of the Turnpikes, the Person paying it shall be permitted to return, with the same Horse or Carriage, as often as he thinks proper, during the same Day, (to be computed from 12 at Night to 12 in the succeeding Night), Toll-free through all the Turnpikes under this Act.

No Person shall be liable to pay the Tolls for Horses, Cattle, or Carts, or such like Carriages, except Stage Waggon and Carts carrying for Hire, passing through the Turnpikes on *Saturday*, or on *Fair Days*, or for Pack Horses or Carriages employed in carrying Corn, Flour, &c. or Butcher's Meat, or any Coals or Fuel, or going or returning for that Purpose, or for any Carriages or Horses employed in carrying Materials for repairing the Roads, or in the Carriage of any Manure, or in the conveying of Hay, or Corn in the Straw, or any Implements of Husbandry; or for Cattle going to or returning from Water or Pasture, or for any Carriage or Horse conveying any Person to or from Church on *Sundays*, or attending the Funeral of any Person who shall die and be buried in the Parish of *Honiton*, or carrying any Clergyman when on his Parochial Duty, or for any Carriages or Horses employed in the Conveyance of Vagrants, or belonging to Soldiers on their Duty, or for any Horses employed in conveying the Baggage of Soldiers; or for any Carriages or Horses employed in carrying the Mails: But if any Person shall claim the Benefit of these Exemptions, not being entitled thereto, he shall forfeit 40 s.

The Commissioners, with the Consent of Half of the Creditors in Value on the Tolls, may lessen such Tolls if they think necessary; and afterwards may raise them: But no Alteration shall be made in the Tolls, unless publick Notice of the Meeting to be held for that Purpose shall have been given.

If any Person shall, with any Horse, &c. pass through any adjoining Land to avoid Payment of the Toll; or if any Occupier of such Land shall permit any Person to pass through it, whereby the Turnpikes shall be avoided; or if any Person shall forcibly pass through any of the Turnpikes without Payment of the Tolls; or shall take off any Horse from the Carriage with the like Intent, he shall forfeit 40 s.

The Commissioners may let the Tolls by Publick Auction, for any Term not exceeding Three Years; and the Rent shall be payable quarterly in Advance, and subject to such Conditions as they think fit; but Ten Days publick Notice of every Meeting for letting the Tolls shall be given by the Clerk.

The Commissioners, or any Nine of them, may borrow at Interest such Sum as they think fit, and assign the Rates and Tolls hereby granted as a Security; and Copies of all such Assignments shall be entered in a Book to be kept for that Purpose by the Clerk; but no Money shall be borrowed after the First Meeting of the Commissioners, unless 14 Days Notice shall be given thereof; and all Persons to whom such Assignments shall be made, shall be Creditors on the Rates and Tolls in an equal Degree; and every Assignment to be made by virtue of this Act, shall be in the Form or to the Effect following; (viz.):

*BY* virtue of an Act of Parliament, passed in the Thirtieth Year of the Reign of King George the Third, intituled, [insert the Title of the Act], we of the Commissioners appointed by or in pursuance of the said Act, in consideration of the Sum of advanced and lent by A. B. upon the Credit and for the Purposes of the said Act, do grant, bargain, sell, and demise unto the said A. B. his Executors, Administrators, and Assigns, such Proportion of the Rates and Tolls arising by virtue of the same Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be charged upon the Credit of the said Rates and Tolls, to be had and holden from this Day of until the said Sum of with Interest for the same, after per Cent. per Ann. the Rate of shall be repaid and satisfied.

And the Books in which the Assignments shall be entered may be inspected, without Fee; and the Persons entitled to such Assignments may transfer the same, either by a separate Instrument, or by Indorsement on the Security, in the Words or to the Effect following:

*I* A. B. do hereby transfer the within Mortgage [if by Indorsement] or [if by a separate Instrument] a certain Mortgage bearing Date the Day of of the Rates and Tolls arising by virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [insert the Title of the Act], and all my Right and Title to the Principal Money and Interest thereby secured, unto C. D. his Executors, Administrators, and Assigns. Dated this Day of

Which Transfer shall be produced to the Clerk, who shall register it, for which he shall be paid 2 s. 6 d. by the Transferee; and after such Entry is made, every such Transfer

Transfer shall entitle the Transferee to the Benefit thereof and Payment thereon.

Out of the Monies arising hereby, the Commissioners shall, in the first Place, pay the Expence of obtaining this Act, and shall afterwards apply the Remainder in paving, cleaning, lighting, and watching the Streets of *Hamton*, in erecting Turnpikes, and in defraying the other Expences attending the Execution of this Act.

All the Turnpikes and Toll-houses to be erected, and all Lamps, with their Furniture, and all Materials and Things for paving, &c. the Streets, or for any of the Purposes of this Act, shall be vested in the Commissioners; and they may bring Actions, or prefer Indictments against such Persons as shall disturb them in the Possession thereof,

p. 551. or shall damage or take away the same.

The Streams running through the Streets, which are now under the Management of the Surveyors of the Town Lakes, and also the publick Pumps, shall be under the Direction of the Commissioners; who shall direct the Surveyors to repair the Channels from the Original Springs of such Water, and the publick Pumps, and shall in future regulate the same as they think necessary, and they shall certify the Expence attending such Repairs to the Surveyors of the Highways, who shall discharge the same out of the Monies in their Hands on Account of the Highways.

The Inhabitants shall, within Ten Days after Notice from the Commissioners, remove or alter all Signs not being placed flat on their Houses; and all Sign Posts, Windows,

p. 552. Porches, Bulks, Spouts, and other Things projecting into the Streets, and all other Annoyances; and if any Person shall neglect to remove or alter the same agreeably to Notice, the Commissioners may do it at his Expence, and in Default of Payment it may be levied by Distress and Sale of the Defaulter's Goods, by Warrant of a Justice.

All Tenants who shall have paid the Expence of removing any Annoyances, may deduct the same out of their next Rent.

If any Person shall drive or place on the Footways, any Wheel, Wheelbarrow, Truck, or other Carriage, or shall roll any Cask, or wilfully ride any Horse thereon, or shall slaughter any Beast in the Streets, or shall play at Cock-throwing, or shall bait any Bull, or cleanse any Cask, or hew or saw any Stone or Timber, or shoe or farry any Horse, or slack Lime, or shall shew any Stallion, in the Streets, or shall lay any Coals, Athes, Filth, or other Annoyance therein, or defile the publick Wells or Streams of Water running through the Town; he shall, for every Offence, for-

feit any Sum not exceeding 10s.; and no Person shall cover any House hereafter to be erected in the Town with Straw, on Pain of forfeiting 5s. a Day for every Day such Covering shall be suffered to continue; and if any Person shall make Bonfires, or let off Guns, or Fireworks in the Town, he shall forfeit 10s.

If any Waggon or other Carriage shall be left in the Street longer than necessary for loading or unloading, or if any Post Chaise, or other Carriage let to Hire, shall be left in the Street longer than necessary for taking up and setting down the Passengers and their Baggage; or if any Goods, or other Things, shall be laid in the Streets, and suffered to remain longer than necessary for removing them, the Defaulter shall, for every such Offence, forfeit 10s.: But no Person shall be subject to any Penalties on Account of Obstructions occasioned by building or repairing Houses, so as convenient Room be left for Carriages to pass, and so as the Rubbish, and other Things, be removed after the Building, or Repairs shall be finished, which he shall do on receiving 10 Days Notice from the Clerk, under the Penalty of 5s. for every Day the same shall continue unremoved thereafter.

Every Action brought by Direction of the Commissioners shall be brought in the Name of their Clerk; and no Action shall be discontinued by his Death or Removal.

The Proceedings of the Commissioners shall be regularly entered in Books, and any Person may inspect them without Fee; and such Proceedings, so entered and signed by the Commissioners, shall be deemed Originals; which Books, and also the Books aforesaid, shall be admitted in Evidence in all Courts.

All Penalties by this Act imposed (the Manner of recovering whereof is not hereby particularly directed), shall, on Proof of the Offence before a Justice, either by Confession of the Party, or by the Oath of a credible Witness, be levied by Distress and Sale of the Defaulter's Goods; and the Penalties, when recovered, shall be paid to the Treasurer for the Purposes of this Act; and in case sufficient Distress cannot be found, the Justice shall, by Warrant, cause the Offender to be committed to Gaol, for any Time not exceeding Three Months.

If any Person shall think himself aggrieved by any Rate, he may apply to the Commissioners, who may give Relief, at their First Meeting which shall be held after the Expiration of Five Days from demanding it; and if any Person shall be dissatisfied with their Determination, or shall think himself aggrieved by any other Thing, (except in such

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such Cases where the final Determination is directed by this Act, or for which no particular Method of Relief hath been hereby appointed), he may appeal to the Quarter Sessions for *Devonshire*, within Four Months after the Cause of Complaint shall have arisen, on giving 14 Days Notice thereof to the Clerk or Treasurer, and within Five Days then after on entering into a Recognizance before a Justice, conditioned to abide the Order of the Justices in Quarter Sessions, and the Justices shall finally determine the Appeal in a summary Way.

No Action shall be brought for any Thing done by virtue of this Act until after 31 Days Notice shall have been given to the Defendant, nor after Tender of sufficient

Amends hath been made to the Party aggrieved, nor Three Months after the Fact committed; and every such Action shall be laid in *Devonshire*; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the same was done by virtue of this Act: And if it shall so appear, or if it shall appear that the Action is brought contrary hereto, the Jury shall find a Verdict for the Defendant; in which Case, or if the Plaintiff shall discontinue the Action, or be nonsuited, or if on Demurrer Judgement be given against him, the Defendant shall have Treble Costs.

This Act shall be deemed a publick one; and be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act to exempt Goods and Chattels imported from the Settlement in *Yucatan* in *South America*, and sold by Auction in *Great Britain*, from the Duty imposed on such Sales; and for allowing a Drawback of the Duties on Goods exported to *Yucatan*.

Anno tricesimo GEORGII III. Regis.

C A P. XXVI.

THE Preamble states, That by 27 Geo. III, Cap. 13, for repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, &c. an Excise Duty is chargeable on all Sales of Goods by Auction; and that it is expedient that some Provision should be made in Favour of Goods imported from *Yucatan* in *South America*, and sold by Auction in *Great Britain*; it is therefore enacted, That from July 5, 1790, any Goods imported from *Yucatan* shall be free of the Duty on the First Sale of such Goods at Auction, on Account of the original Importer, so as such Sale be made within 12 Months after such Goods shall be imported, and by some licensed Auctioneer.

After July 5, 1790, there shall be paid

to the Exporters of Goods, which shall be exported to *Yucatan*, the like Drawback of the Duties of Customs and Excise as is now allowed on the Exportation of such Goods to the *British* Colonies in *America*, on Condition that they shall be exported in the same Manner, and under the same Regulations, as such Goods are now subject and liable to, on the Exportation thereof, for a Drawback to the *British* Colonies in *America*; and the like Bond shall be given for the due Exportation thereof, with further Condition that the Exporter shall produce a Certificate under the Hands and Seals of Two *British* Merchants, within 12 Months from the Exportation, that the Goods have been duly landed there.

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An ABSTRACT of an Act for encouraging new  
Settlers in His Majesty's Colonies and Plantations in  
*America.*

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XXVII.

p. 567. THE Preamble sets forth, That it is expedient that Encouragement should be given to Persons that are disposed to settle in certain of His Majesty's Colonies in *America* and the *West Indies*; it is therefore enacted, That from Aug. 1, 1790, all Subjects of the United States of *America*, who shall come from thence, with their Families, to any of the *Bahama*, or *Bermuda* or *Somers* Islands, or to any Part of the Province of *Quebec*, or of *Nova Scotia*, or any of the Territories belonging to His Majesty in *North America*, for the Purpose of settling there, having first obtained a Licence for that Purpose from the Governor, or, in his Absence, the Lieutenant Governor of either of those Places, may import into the same, in *British* Ships owned by His Majesty's Subjects, and navigated according to Law, any Negroes, Household Furniture, Utensils of Husbandry, or Cloathing, Free of Duty; provided that such Household Furniture, &c. shall not exceed the Value of 50*l.* for every White Person that shall belong to a Family; and the Value of 40*s.* for every Negro brought by such

White Person; and if any Dispute shall arise as to the Value of the Household Furniture, &c. it shall be determined by the Arbitration of Three *British* Merchants at the Port where the same shall be imported, One of whom to be appointed by the Governor, or in his Absence the Lieutenant Governor of such Island or Province, One by the Collector of the Customs, and One by the Person coming to settle.

All Sales or Bargains for the Sale of any Negro, Household Furniture, &c. so imported, which shall be made within 12 Months after the Importation thereof (except in Cases of the Bankruptcy or Death of the Owner), shall be void.

Every White Person so coming to reside, if above 14 Years old, shall take and subscribe the Oath of Allegiance before the Governor, Lieutenant Governor, or Chief Magistrate of the Place where he arrives, and at the same Time swear that it is his Intention to settle in such Island or Province; for which Oaths the Fee required by Law shall be paid.

An ABSTRACT of an Act for permitting the Importation of *Cashew* Gum from His Majesty's *West India* Islands, upon Payment of the like Duty as is paid upon the Importation of Gum *Arabic*, or Gum *Senega*.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XXVIII.

p. 571. AS it will be useful to several Sorts of Manufactures, that *Cashew* Gum should be imported on no higher Duty than what is laid on Gum *Arabic* and Gum *Senega*, it is enacted, That, from July 5, 1790, *Cashew* Gum of the *West India* Islands (in which the *Bahama* and *Bermuda* or *Somers* Islands are included) may be imported into any Port of

*Great Britain*, in *British* Ships, owned by His Majesty's Subjects, and navigated according to Law, on Payment of the Duty now paid on the Importation of Gum *Arabic*, or Gum *Senega*; and the same shall be levied and applied in the same Manner as the Duty on Gum *Arabic*, or Gum *Senega*.

p. 575. An ABSTRACT of an Act for amending an Act, passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for allowing the Importation and Exportation of certain Goods, Wares, and Merchandize, in the Ports of Kingston, Savannah la Mar, Montego Bay, and Santa Lucea in the Island of Jamaica, in the Port of Saint George in the Island of Grenada, in the Port of Roseau in the Island of Dominica, and in the Port of Nassau in the Island of New Providence, One of the Bahama Islands, under certain Regulations and Restrictions; and for regulating the Duties on the Importation of Goods and Commodities the Growth and Production of the Countries bordering on the Province of Quebec.*

*Anno tricesimo* GEORGII III. Regis.

C A P. XXIX.

p. 576. THE Preamble sets forth, That by 27 Geo. III, Cap. 27, certain Articles therein mentioned, being the Production of any of the Colonies in America under the Dominion of any Foreign European Sovereign, and all Coin and Bullion, Diamonds, or precious Stones, may be imported from thence into the Ports of Kingston, Savannah la Mar, Montego Bay, and Santa Lucea in the Island of Jamaica, the Port of Saint George in the Island of Grenada, the Port of Roseau in the Island of Dominica, and the Port of Nassau in the Island of New Providence, in any Foreign Vessel, not having more than One Deck, and not exceeding 70 Tons Burthen, and being owned and navigated by the Subjects of any Foreign European Sovereign or State: And that it will tend to encrease the Commerce carried on at those Ports, if the Foreign Vessels trading thereto be not limited to Tonnage; it is therefore enacted, That the Vessels, owned and navigated by the Subjects of any Foreign European Sovereign or State, importing and exporting the Articles enumerated in the recited Act, to and from the before-mentioned Ports, under the Regulations therein prescribed, may be of any Tonnage, so as they have but One Deck. p. 577.

After July 1, 1790, all Goods of the Growth of the Countries bordering on the Province of Quebec, brought into that Province conformably to Law, may be imported into Great Britain from thence, on the same Conditions as Goods the Produce of Quebec; provided it shall appear, by Certificate of the Collector and Comptroller of the Customs, and the Naval Officer there, that the Goods were brought into that Province conformably to Law, and specifying from what Places they were so brought; and that the like Regulations are observed on their Importations, as are required for the like Goods imported from Quebec. p. 578.

An ABSTRACT of an Act for granting to His Majesty a certain Sum of Money, to be raised by a Lottery.

Anno tricesimo GEORGII III. Regis.

C A P. XXX.

p. 583. **T**OWARDS raising the Supplies, 790,937 l. 10 s. is granted by a Lottery, to consist of 50,000 Tickets, at 15 l. 16 s. 4½ d. each, in the Manner herein-after directed: And as several Persons have subscribed at the Bank the said Sum, and made Deposits with the Cashier of 1 l. 16 s. 4½ d. in respect of each Ticket; it is therefore enacted, That all Persons who shall have, by April 27, 1790, subscribed to the Lottery, and made such Deposit as aforesaid, shall pay to the Cashier of the Bank the remaining Sum of 14 l. in respect of each Ticket subscribed for, on the Days, and in the Proportions herein-after appointed; (*viz.*) The further Sum of 2 l. by June 18, 1790; 2 l. by July 30 next; 2 l. by Sept. 10 next; 3 l. by Oct. 22 next; 2 l. by Dec. 10 next; and 3 l. by Jan. 14, 1791; and every Contributor paying in the Whole of his Subscription before the above Periods shall be allowed 3 per Cent. on the Money advanced, for the intermediate Time, which shall be paid by the Cashier, when the Payment is completed; and all the Contributors, their Executors, &c. paying in their whole Subscription, shall have Lottery Tickets delivered to them to that Amount, at the Rate of 15 l. 16 s. 4½ d. for each Ticket.

p. 586. The Cashier shall give Security to the Treasury for duly paying into the Exchequer the Money which he shall receive of the Sum of 790,937 l. 10 s. and for Performance of the Trust reposed in him; and shall pay the same, within Five Days after its Receipt, into the Exchequer, deducting thereout such Sums as shall have been paid by him in pursuance of this Act; for which an Allowance shall be made in his Accounts.

Three Commissioners of the Treasury may apply such Money to such Services as shall then have been voted in this present Session.

p. 587. The Sum of 500,000 l. shall be divided into Prizes, which Sum shall be payable out of any Supplies granted in this Session; and the Treasury shall cause that Sum to be paid to the Bank, to be paid among the Proprie-

tors of the Fortunate Tickets, as soon as Certificates can be made out for them.

For establishing a proper Method for drawing the Lottery, it is enacted, That such Persons as the Treasury shall appoint shall be Managers for preparing and delivering out Tickets, and to oversee the drawing of Lots; and they shall meet together at some publick Place, for the Execution of the Powers in them reposed; and shall cause Books to be prepared, in which every Leaf shall be divided into Three Columns; and on each Column there shall be printed 50,000 Tickets, to be numbered, One, Two, and so onwards, in on arithmetical Progression, until they rise to 50,000; which Tickets shall be of an oblong Figure, and in the Books shall be joined with such oblique Lines, or Devices, as the Managers shall direct; and every Ticket in the Third Column shall have (besides the Number) Words to this Effect:

LOTTERY for 1790.

*THE Bearer of this Ticket will be intitled to such beneficial Chance as shall belong thereto, in the Lottery to be drawn by virtue and in pursuance of an Act passed in the Thirtieth Year of His present Majesty's Reign.*

The Managers shall examine the Books with the Tickets therein, and take Care that they be contrived according to the Meaning of this Act; which they shall deliver, as they are examined, to the Cashier of the Bank, taking his Receipt for them, that he may be charged to answer 15 l. 16 s. 4½ d. for each Ticket in the extreme Columns; and he shall, on Receipt of every Sum of 15 l. 16 s. 4½ d. for a Ticket from any Subscriber, cut out of the Books, through the oblique Lines, indentwise, in the extreme Columns, such Tickets as shall be necessary to be delivered to the Subscribers; which he shall sign, and shall permit the Subscriber to write his Name or Mark on the corresponding Tickets in the same Book; and at the same Time deliver to him the Ticket so cut off,

off, to be kept for the better ascertaining and securing the Interest which he may have in the Drawing of the Lottery.

The Cashier, by Jan. 22, 1791, shall re-deliver to the Managers, at their Office, all the Books, and therein all the Tickets which he shall not have delivered to the Persons intitled thereto; and shall also deliver to them a true Account of all Sums come to his Hands for the Tickets delivered, and how the same shall have been paid into the Exchequer; and they shall forthwith cause all the undisposed of Tickets to be delivered into the Exchequer, from thence to be issued for raising Money for the Purposes of this Act, as the Treasury shall direct.

The Managers shall cause all the Tickets in the Middle Columns, which shall be delivered back to them from the Cashier, to be carefully rolled up, and fastened with Thread; and shall, in their Presence, and in the Presence of such Adventurers as will be there, cause such Tickets to be cut off indentwise, through the oblique Lines, into a Box marked with the Letter (A), which is presently to be put up in another strong Box, and to be locked with Seven Keys, to be kept by the Managers, and sealed with their Seals, until the Tickets are to be drawn; and the Tickets in the First Column shall remain still in the Books, for discovering any Mistake or Fraud.

p. 591. The Managers shall also prepare other Books, in which every Leaf shall be divided into Two Columns; and 50,000 Tickets shall be printed thereon, which Two Columns shall be joined with some Device, through which the outermost Tickets may be cut off indentwise; and 14,333 Tickets, Part of those contained in the outermost Column, shall be called *The Fortunate Tickets*, upon which shall be written, as well in Figures as in Words at Length, in Manner following; viz. Upon every One of Three of them 20,000 *l.* Principal Money; upon Two of them 10,000 *l.*; upon Three of them 5,000 *l.*; upon Five of them 2,000 *l.*; upon Fifteen of them 1,000 *l.*; upon Thirty of them 500 *l.*; upon 100 of them 100 *l.*; upon 150 of them 50 *l.*; upon 5,000 of them 25 *l.*; and upon 9,025 of them 20 *l.*; which Sums, together with the Sum of 4 *l.* to the Owner of every One of the First 10,000 Tickets which shall

p. 592. be drawn Blanks, as also 1,000 *l.* to be allowed to the Owner of the First-drawn Ticket, and 1,000 *l.* to be allowed to the Owner of the Last-drawn Ticket, besides the Benefits which may happen to belong to the Two last-mentioned Tickets, will amount to 500,000 *l.* which Sum is to be paid at the Bank to the Proprietors of the Fortunate Tickets, and to the Proprietors of the First-drawn 10,000 Blank Tickets: And the Ma-

nagers shall cause all the Tickets in the outermost Columns of the last-mentioned Books to be in their Presence, and in the Presence of such Adventurers as will be there, carefully rolled up and fastened with Thread, and cut out indentwise through the Flourish into another Box, marked with the Letter (B), which shall be put into another strong Box, and locked and sealed as above directed, until these Tickets shall be drawn; and the Whole of that Business shall be performed before the last Six Days immediately preceding the Day for the Drawing the Lottery: And publick Notice shall be given of the precise Time of putting the Tickets into the Boxes, that Adventurers may be present.

On or before Feb. 9, 1791, the Managers shall cause the Boxes, with the Tickets, to be brought into the Guildhall of London, by Nine in the Forenoon of that Day; and shall cause the Two Boxes containing the Tickets to be taken out of the other Two in which they shall have been locked up; and the Tickets in the innermost Boxes being, in their Presence, well shaken in each Box distinctly, some indifferent Person, to be appointed by them, shall take out One Ticket from the Box where the numbered Tickets shall be put, and another Person shall take out a Ticket from the Box where the 14,333 Fortunate, and 35,667 Blank Tickets shall be promiscuously put, and immediately both the Tickets so drawn shall be opened, and the Number as well of the Fortunate as of the Blank Ticket shall be named aloud; and if the Ticket drawn from the Box containing the Fortunate and Blank Lots shall appear to be a Blank, it shall, with the Numbered Ticket at the same Time drawn, be put on One File; and if the Ticket so drawn shall appear to be One of the Fortunate Tickets, then the Sum written thereon shall be entered by a Clerk, which the Managers shall oversee, into a Book to be kept for entering the Fortunate Numbers, and Two of the Managers shall set their Names as Witnesses to such Entries; and the Fortunate and numbered Tickets so drawn together shall be put on another File; and so the Drawing of the Tickets shall continue, by taking One at a Time out of each Box, &c. in such Method as before-mentioned, until 14,333 Fortunate Tickets, and One more for the Last-drawn, shall be completely drawn: And as the same cannot be performed in One Day, the Managers shall cause the Boxes to be locked up and sealed in Manner aforesaid, and adjourn till the next Day (except Sundays, Thanksgiving and Fast Days), and then open the same, and proceed as above, till the whole Number of Fortunate Tickets, and One more, shall be drawn; and afterwards the numbered Tickets so drawn,

p. 595. drawn, with the Fortunate Tickets drawn against the same, shall remain in a strong Box locked up, under the Custody of the Managers, until they shall take them out to examine, and settle the Property thereof.

The Managers shall, after the Drawing is over, cause to be printed and published the Number of each Fortunate Ticket, and the Principal Sum written thereon; and if any Dispute shall arise in the adjusting the Property of the Fortunate Tickets, the major Part of the Managers agreeing therein shall determine to whom it belongs: And if any Person shall counterfeit or alter any Ticket or Certificate, or shall fraudulently use the same, he shall, on Conviction, suffer Death; and the Managers, or any Two of them, shall cause him to be committed to Newgate, or to the Gaol of the Place where he shall be apprehended, to be proceeded against according to Law.

p. 596.

If any such Offender shall (being out of Prison) discover any Person concerned in any such Offence, so as he be convicted thereof, the Discoverer shall have His Majesty's Pardon for his Offence, and be entitled to a Reward of 50*l.* for every Offender so convicted, to be paid out of any Supplies granted in this Session.

No Attainder for any such Offences shall cause Corruption of Blood, Loss of Dower, or Disinheritance of Heirs.

Every Manager, before his acting in such Commission, (except the administering the Oath), shall take the following Oath, *viz.*

p. 597. *I A. B. as a Manager and Director of the Lottery to be drawn in pursuance of an Act of Parliament, made in the Thirtieth Year of His Majesty's Reign, do swear, That I will faithfully execute the Trust reposed in me; and that I will not use any indirect Art or Means, or permit or direct any Person to use any indirect Art or Means, to obtain a Prize or Fortunate Lot therein, for myself, or any other Person whatsoever; and that I will do the utmost of my Endeavours to prevent any undue or sinister Practice to be done by any Person whatsoever; and that I will, to the best of my Judgement, declare to whom any Prize, Lot, or Ticket of Right does belong, according to the true Intent and Meaning of the said Act.*

Which Oath shall be administered by any Two of the other Managers.

The Cashier having given Security as aforesaid, may receive from the Subscribers, or their Executors, &c. the Monies to be paid on Account of the Lottery, at One entire Payment, or in the Proportions aforesaid; and he shall give a Receipt for the Sums to be paid; and shall be obliged to give the Bearer of every such Receipt a

Ticket of the extreme Column, for every 15*l.* 16*s.* 4*d.* so contributed, as soon as that Sum shall be paid.

Any Contributor, after June 18, 1790, if he makes no Default in his Payment of the respective Proportions of the Consideration-money, as they become due, may have from the Cashier, on depositing his Receipt for the former Payments, Tickets for One Half of the Sum actually paid; and the Cashier shall, on Delivery thereof, give another Receipt for the Residue of the Money so advanced, which shall also express the Number of Tickets so delivered.

If any Subscriber, having advanced a Proportion of his Consideration-money, shall not pay the Remainder, by the Times limited, he shall forfeit, for the Use of the Publick, the Proportion of the Purchase-money which he shall have paid down, except such Part as shall have been returned in Tickets before the Default was made; and no Tickets shall be delivered out to Subscribers making such Default, but they shall be returned to the Managers by the Cashier, together with the other Tickets (if any) in the outermost Column of the Book first directed to be prepared, which shall not have been disposed of; who shall deliver them into the Exchequer, to be disposed of for the Purposes and in the Manner before directed with respect to undispensed Tickets.

Out of the Monies to arise by the said Contributions, or out of any other Supplies granted in this Session for 1790, the Treasury may reward the Managers, and the Officers to be employed under them, for their Trouble, and shall discharge such incident Expences as shall necessarily attend the Execution of this Act.

The Sum of 500,000*l.* to be paid for the Fortunate Tickets, and of the First-drawn 10,000 Blank Tickets, shall be charged on the Supplies granted in this Session for 1790, and shall be paid on Demand, at the Bank, without Deduction, on June 2, 1791, or as soon after as Certificates can be made out for ascertaining the Sums to be paid upon the Tickets; which Tickets, after the Drawing of the Lottery is completed, shall be exchanged for Certificates, signed by the Managers.

Such of the Managers as the Treasury shall appoint to take in the Fortunate Tickets, and the First-drawn 10,000 Blank Tickets, and deliver out the Certificates in lieu thereof, shall give Notice, by Advertisement, of the Times for taking in and delivering out the same; and every Certificate shall be numbered in Course, according to the bringing the Tickets to the Managers; to which Purpose they shall enter in Books the Name of every Person who shall bring any Ticket as aforesaid

p. 598.      p. 602.

afore said to be exchanged, and the Number of the Ticket, the Money payable thereon, and the Date when brought; which Books shall lie open in the Office to be appointed for taking in the Tickets, for all Persons concerned to peruse; which Certificates shall be signed by the Managers, and directed to the Chief Cashier of the Bank.

p. 599.

Out of the Supplies granted in this Session, or out of the Consolidated Fund, the Treasury shall discharge all incident Charges, not hereby otherwise provided for, attending the Execution of this Act; and also shall appoint proper Allowances for the Pains of the Cashier, and any other Person, for accounting for the Contributions, which, in respect of the Services of the Officers of the Bank, shall be at the Disposal of the Company.

No Fee shall be taken for receiving or paying the Contribution-mones, or for issuing the Money payable in respect of the Fortunate Tickets, and the First-drawn 10,000 Blank Tickets, on Penalty of 20*l.* with Costs, to be recovered by Action of Debt, &c. in any Court of Record at *Westminster*.

p. 603.

If any Person shall sell any Share of a Ticket in any other Proportion than an Half, Quarter, Eighth, or Sixteenth Part; or shall publish any Scheme for selling any Share in other Proportions, he shall forfeit 50*l.* One Half to His Majesty, and the other to the Prosecutor, to be recovered in any Court of Record at *Westminster*; and every legal Share of a Ticket shall be of the following Form:

**L**OTTERY for One thousand seven hundred and ninety.



Ticket, N<sup>o</sup> \_\_\_\_\_

(or as the Share may be.)

*The Bearer of this Share will be intitled to One Part of such beneficial Chance as shall belong to the Ticket numbered as above, in the Lottery to be drawn by virtue and in pursuance of an Act passed in the Thirtieth Year of His present Majesty's Reign.*

p. 600.      p. 604.

If any Person shall counterfeit or alter any such Share of a Ticket, or fraudulently dispose of any counterfeit Share, he shall on Conviction suffer as a Felon.

If any Person shall be sued for any Thing done by virtue of this Act, he may plead the

General Issue, and give the Special Matter in Evidence; and if a Verdict shall pass for the Defendant, or the Plaintiff shall discontinue his Action, or be nonsuited, the Defendant shall have Treble Costs.



An ABSTRACT of an Act to alter so much of an Act, made in the Twelfth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for the better preventing Frauds and Abuses in Gold and Silver Wares*; and also so much of another Act, made in the Twenty-fourth Year of the Reign of His present Majesty, intituled, *An Act for granting to His Majesty certain Duties on all Gold and Silver Plate imported, and also certain Duties on all Gold and Silver Wrought Plate made in Great Britain*, as relates to the marking of Silver Wares.

Anno tricesimo GEORGII III. Regis.

C A P. XXXI.

p. 607. THE Preamble states, That by 12 Geo. II, Cap. 26, for the better preventing Frauds and Abuses in Gold and Silver Wares, it was enacted, That no Person, making or selling Gold or Silver Wares, should sell, or expose to Sale, in England, any Plate, &c. or export any such Article out of this Kingdom, until the same, if of Gold (being of the Standard of 22 Carraets of fine Gold per lb. Troy), and such Article, if of Silver (being of the Standard of 11 oz. 2 dwts. of fine Silver per lb. Troy), should be marked as follows; viz. With the Mark of the Maker, which should be the Initials of his Name, and with these Marks of the Company of Goldsmiths in London; viz. the *Leopard's Head*, the *Lion Passant*, and a distinct variable Mark to denote the Year in which such Plate should be made, or with the Mark of the Maker, and with the Marks appointed to be used by the Assayers at *York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne*; or Plate (being of the Standard of 11 oz. 10 dwts. of fine Silver per lb. Troy) with the Mark of the Maker, which should be the Initials of his Name, and with these Marks of the said Company; viz. the *Lion's Head Eroded*, and *Britannia*, and the said Mark to denote the Year as aforesaid, or with the Mark of the Maker, and the Marks of One of the said Towns, on Pain of forfeiting 10*l.*

p. 609. and a Proviso therein exempts the following

Articles from being stamped; viz. Rings, Collets for Rings or other Jewels, Chains, Necklace Beads, Locketts, hollow or raised Buttons, Sleeve Buttons, Thimbles, Corral Sockets and Bells, Ferrils, Pipe Lighters, Cranes for Bottles, very small Book Clasps, any Stock or Garter Clasps jointed, very small Nutmeg Graters, Rims of Snuff Boxes whereof Tops or Bottoms are made of Shell or Stone, Sliding Pencils, Toothpick Cases, Tweezer Cases, Pencil Cases, Needle Cases, and Philligree Work, any Sorts of Tippings or Swages on Stone or Ivory Cases, any Mounts, Screws, or Stoppers to Stone or Glass Bottles or Phials, any small or slight Ornaments put to Amber or other Eggs or Urns, any Wrought Seals, or Seals with Cornelian or other Stones set therein, or any Article so richly engraved, &c. or set with Stones, as not to admit of an Assay without defacing it, or such other Things as by reason of their Smallness or Thinness are not capable of receiving the Marks, and not weighing 10 dwts. of Gold or Silver each: That by 24 Geo. III, Cap. 53, for granting to His Majesty certain Duties on all Gold and Silver Plate, &c. it was enacted, That every Person who should make any Article of Plate required to be assayed by the Company of Goldsmiths in London, p. 610. or of Edinburgh, or by the Birmingham or Sheffield Companies, or by the Wardens and Assayers

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- Affayers at *York, Exeter, Bristol, Chester, Norwich, and Newcastle upon Tyne*, should send with every Parcel of such Articles, to the Assay Office, a Note, containing the Date, the Name of the Maker, and Place of his Abode, the Species of Plate, with the Weight, and also the Money payable for the Duty; and it was further enacted, That, in Addition to the other Marks required by Law, the Affayers should stamp the *King's Head*; and no Person should expose to Sale, or export, any Plate without it, on Penalty of 5*0*l. and the Loss of the Plate; but it is declared, that nothing therein should extend to compel any Article to be stamped with the said Mark, which is excepted in the recited Act of 12 *Geo. II*: And that Doubts have arisen as to the true Construction of the said Proviso in the recited Act of 12 *Geo. II*, and also as to what Silver Wares are intended to be excepted from being stamped with the Marks directed by the recited Acts; and several Persons have inadvertently sold many Articles of Silver not stamped with the Marks aforesaid, whereby divers Penalties may have been innocently incurred by them; from which Penalties it is proper they should be indemnified; and it is likewise proper that the recited Proviso, so far as they concern Wares of Silver, should cease, and that other Regulations should be made as to Silver Wares: It is therefore enacted, That the recited Provisoes in 12 *Geo. II*, and 24 *Geo. III*, in so far as respects Silver Wares, shall cease.
- The Penalties incurred by any Person making or selling, on or before *May 28, 1790*, any of the Articles following, made of Silver, being of the Standard directed by Law, whether they weigh 10 dwts. of Silver each, or more, *viz.* Rings, Collets for Rings or other Jewels, Chains, Necklace Beads, Lockets, hollow or raised Buttons, Sleeve Buttons, Thimbles, Corral Sockets and Bells, Ferrils, Pipe Lighters, Cranes for Bottles, Book Clasps of any Size, any Stock or Garter Clasps jointed, Nutmeg Graters of any Size, Rims of Snuff Boxes whereof Tops or Bottoms are made of Shell or Stone, Sliding Pencils, Toothpick Cases, Tweezer Cases, Pencil Cases, Needle Cases, any Philligree Work, any Sorts of Tippings or Swages on Stone or Ivory Cases, any Mounts, Screws, or Stoppers to Stone or Glass Bottles or Phials, any Ornaments put to Amber or other Eggs or Urns, any Wrought Seals, or Seals with Cornelian or other Stones set therein; or any Plate, or Manufacture of Silver, so richly engraved, carved or chased, or set with Jewels or other Stones, as not to admit of an Assay to be taken of, or a Mark to be struck thereon, without damaging it, or any other Plate or Manufacture of Silver, not stamped with the Marks directed by the recited Acts, shall be discharged; and every Person against whom any Action hath been brought to recover such Penalties, shall be indemnified and discharged therefrom; and he may, in his Defence, plead the General Issue, and give this Act in Evidence.
- After *May 28, 1790*, nothing in the said Acts contained shall oblige any of the following Wares of Silver to be stamped with the Marks mentioned in the Act of 12 *Geo. II*, or to be marked with the *King's Head*, as directed by the Act of 24 *Geo. III*; *viz.* Chains, Necklace Beads, Lockets, any Philligree Work, Shirt Buckles or Broaches, stamped Medals, or Spouts to Teapots.
- Nor shall any Thing in the said Acts extend to oblige any of the following Wares of Silver to be stamped with the Marks therein-mentioned, *viz.* Tippings, Swages, or Mounts, or any of them, not weighing 10 dwts. of Silver each, except only Necks and Collars for Castors, Cruets, or Glasses, appertaining to any Sort of Stands or Frames.
- Nor shall any Thing therein extend to oblige any Wares of Silver, not weighing 5 dwts. of Silver each, to be stamped with the Marks aforesaid, except only the following Silver Wares, *viz.* Necks, Collars, and Tops for Castors, Cruets, or Glasses appertaining to any Sort of Stands or Frames, Buttons to be affixed to Wearing Apparel, solid Sleeve Buttons, and solid Studs, not having a Bissilled Edge foldered on, Wrought Seals, Blank Seals, Bottle Tickets, Shoe Clasps, Patch Boxes, Salt Spoons, Salt Shovels, Salt Ladles, Tea Spoons, Tea Strainers, Caddy Ladles, Buckles (Shirt Buckles or Broaches, before-mentioned, excepted), and Pieces to garnish Cabinets, or Knife Cases, or Tea Chests, or Bridles, or Stands, or Frames.
- This Act shall be deemed to be a Publick one; and shall be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for granting to His Majesty a certain Sum of Money out of the Consolidated Fund; for applying certain Monies therein mentioned for the Service of the Year One thousand seven hundred and ninety; and for further appropriating the Supplies granted in this Session of Parliament.

*Anno tricesimo* GEORGH II. III. *Regis.*

C A P. XXXII.

p. 619. **T**OWARDS raising the necessary Supplies, it is enacted, That out of such  
p. 620. Monies as shall remain in the Exchequer of the Surplus of *The Consolidated Fund*, after reserving sufficient to pay all such Sums as have been directed, by any former Acts, to be paid out of the same, there shall be applied towards making good the Supply granted for the Service of the Year 1790, a Sum not exceeding 2,300,000*l.*; and the Treasury shall issue and apply the same accordingly.

If the Treasury shall think it advisable to raise the said Sum, or any Part thereof, by Loans or Exchequer Bills, any Person may lend any Sum not exceeding 2,300,000*l.* on the Credit of the *Consolidated Fund*, and receive Interest for the Money lent, so as such Loans be allowed to be made by the Commissioners of the Treasury, who are authorized to issue their Warrants for that Purpose as such Loans shall be wanted for the publick Service; and no Money to be lent on the Security of this Act shall be rated to any Assessment.

p. 621. All Persons lending any Money on the Credit of this Act, shall have a Tally of Loan struck for the same, and an Order for Repayment, bearing the same Date with their Tally; in which Order shall be contained a Warrant for Payment of Interest every Three Months, until Repayment of the Principal; and all Orders for Repayment shall be registered in Course, according to their Dates; and all Persons shall be paid in Course, as their Orders stand in the Register Books, without any undue Preference of one before another; and no Fee shall be taken for making of any such Entries, &c. by any  
p. 622. Officer or Clerk, on Penalty of Treble Damages to the Party grieved, with Costs of Suit; or if the Officer himself take or De-

mand any such Fee, then to lose his Place also: And if any undue Preference shall be made, either in Point of Registry or Payment, by any such Officer, he shall be liable to pay the Value of the Debt, with Costs, and shall be forejudged of his Office; and if Preference be unduly made by his Deputy or Clerk, without Privy of his Master, such Deputy or Clerk only shall be liable to such Action, and shall be for ever incapable of his Office: And if the Auditor of the Receipt shall not direct the Orders of Loan, or the Clerk of the Pells record, or the Teller make Payment upon such Orders, according to each Person's due Place and Order, they shall forfeit, and the Deputies and Clerks offending, be liable to such Action, Debt, &c. as aforesaid; all which Penalties and Costs may be recovered by Action of Debt, &c. in any Court of Record at *Westminster*.

If several Tallies of Loan, or Orders for Payment, bear Date, or be brought the same Day to the Auditor to be registered, it shall be interpreted no undue Preference if all are entered the same Day: Nor shall it be interpreted any undue Preference if the Auditor direct, the Clerk of the Pells record, and the Tellers pay subsequent Orders, to Persons that demand their Monies, and bring their Orders, before others not bringing their Orders in Course, so as there be so much Money reserved as will satisfy precedent Orders, which shall be kept for them; Interest upon Loan being to cease from the Time the Money is so reserved and kept in Bank for them.

All Persons to whom Money shall be due for Loans to be registered, after Order entered in the Register, or their Executors, &c. by proper Assignment to be indorsed on their Order, may transfer their Right to any other; which being notified in the Office of the

the Auditor of the Receipt aforesaid, and an Entry made in the Register for Orders (which the Officers shall make without Fee), shall intitle such Assignees, their Executors, &c. to Payment thereon; and such Assignees may assign again, and so *toties quoties*.

p. 624. If the Commissioners of the Treasury shall judge it more advisable to raise the said Sum of 2,300,000*l.* or any Part thereof, by Exchequer Bills, instead of Loans, they shall prepare new Exchequer Bills, for any Sum not exceeding the above Sum, together with such Loans, in the Form prescribed by the Malt Act of this Session, concerning the Exchequer Bills to be made in pursuance thereof.

All Clauses, &c. contained in the last-mentioned Act, relating to the Loans or Exchequer Bills thereby authorized to be made (except such Clauses as charge the same on the Duties thereby granted, and such as limit the Rate of Interest to be paid for the Money lent on the Credit thereof), shall be extended to the Bills to be made in pursuance of this Act.

p. 625. All the Exchequer Bills made in pursuance of this Act, and the Interest and Charges incident thereto, shall be charged upon, and repaid out of the growing Produce of the Consolidated Fund, (except such Monies as are appropriated to particular Uses by other Acts); and such Monies of the Consolidated Fund shall be applied, as soon as ascertained, towards discharging such Exchequer Bills, &c. until the Whole shall be paid off, or Money sufficient for that Purpose be reserved in the Exchequer, payable on Demand to the Proprietors.

The Bank of England may lend, at the Receipt of the Exchequer, upon the Credit of Loan granted by this Act, 2,300,000*l.*, any Thing in an Act 5 and 6 *Geo. 3. Mar.* Cap. 20, to the contrary notwithstanding.

p. 626. The Sum of 621,151*l.* 1*s.* 3½*d.* remaining in the Exchequer on April 5, 1790, of the Surplus of the Consolidated Fund; and 34,000*l.* repaid into the Exchequer of the Money advanced for Foreign Secret Service, shall be applied towards making good the Supply.

All the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon the Malt Act of this Session, and so much Money, if any be, of the Duties thereby granted as shall remain after all the Loans or Exchequer Bills made on the same Act, and the Interest and Charges thereon, shall be satisfied, or Money sufficient reserved in the Exchequer to discharge them; and also the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon the Land Tax Act of this Session; and so much Money, if any such be, of the Tax thereby granted as shall remain after all the

Loans or Exchequer Bills made on that Act, and all the Interest and Charges thereon, shall be satisfied, or Money sufficient reserved in the Exchequer to discharge them; and also the Sum of 3,500,000*l.* granted by the Exchequer Loans Act of this Session, Cap. 15; and the further Sum of 2,000,000*l.* granted by another Exchequer Loans Act of this Session, Cap. 16; and also all the Monies coming into the Exchequer by the Lottery Act of this Session; and also the Sum of 1,000,000*l.* granted by another Act of this Session, *For enabling His Majesty to raise the Sum of One Million for the Uses and Purposes therein mentioned*; and also the said Sum of 621,151*l.* 1*s.* 3½*d.* being the Surplus of the Consolidated Fund; and also the said Sum of 34,000*l.* of Foreign Secret Service Money; and also the further Sum of 2,300,000*l.* by this Act granted out of the Consolidated Fund, shall be applied to the several Uses hereafter expressed, together with the Residue of the Monies arising from the Sale of French Prizes taken before the Declaration of the late War in the Year 1756.

Out of the Supplies as aforesaid, there shall be issued and applied any Sum, not exceeding 2,233,636*l.* 17*s.* 11*d.* towards the Naval Services herein expressed; (*viz.*), For Victuals, Wages, Wear and Tear of the Navy, and the victualling thereof; and for Sea Services in the Office of Ordnance, performed, and to be performed; and for defraying the Ordinary of the Navy; and for Half-pay to Sea and Marine Officers, and for maintaining 3860 Marines; and towards the Buildings and Repairs of Ships of War, &c. besides what are proposed to be done on the Heads of Wear and Tear, and Ordinary, for 1790.

There shall be issued 200,000*l.* towards paying off the Debt of the Navy.

There shall be issued 1,575*l.* 4*s.* 3*d.* for defraying the Expence of Services performed by the Office of Ordnance for Land Service, previous to Dec. 31, 1783.

There shall be issued 13,869*l.* 0*s.* 6*d.* for defraying the Expence of Services performed by the Office of Ordnance, for Land Service, in 1788.

There shall be issued 418,207*l.* 17*s.* 5*d.* for the Charge of the Office of Ordnance, for Land Service, for 1790.

There shall be issued 23,795*l.* 16*s.* 7*d.* for defraying the Expence of Services performed by the Office of Ordnance, for Sea Service, in 1788.

There shall be issued 1,874,074*l.* 18*s.* 5*d.* 1*g.* for maintaining the Land Forces, and other Services herein-after expressed, for 1790; (*viz.*), 578,562*l.* 14*s.* 1*d.* for defraying the Charge of 17,448 effective Men, for Guards, Garrisons, and other Land

For

Forces, in *Great Britain*, *Guernsey*, and *Jersey*, including the Pay of Commission and Non-commissioned Officers, and Private Men, Agency, and Allowances to Captains, Paymasters, Surgeons, Riding-masters; and *p. 630.* 317,549*l.* 16*s.* for maintaining Forces and Garrisons in the Plantations, those in Garrison at *Gibraltar*, and a Corps of Foot in *New South Wales*; and 8,245*l.* 10*s.* 1*d.* for defraying the Difference between the Charge of the *British* and *Irish* Establishments of Seven Battalions of Foot serving in *North America* and the *West Indies*, from Dec. 25, 1789, to Dec. 24, 1790, both Days inclusive; and 11,435*l.* 12*s.* 10*d.* 2*q.* on Account, for the Pay necessary to be advanced to a Regiment of Light Dragoons, and Nine Battalions of Foot, for Service in *East India*, for 1790; and 64,500*l.* towards defraying the Charge of recruiting the Land Forces, and of their Contingencies, for 1790; and 10,808*l.* 7*s.* 1*d.* 3*q.* for defraying the Charge of full Pay to supernumerary Officers of the Forces, for 1790; and 6,409*l.* 8*s.* for the Pay of the General and General Staff Officers in *Great Britain*, for 1790; and 63,276*l.* 5*s.* 8*d.* for the Allowance to the Paymaster General of His Majesty's Forces, to the Secretary at War, to the Commissary General of the Musters, to the Judge Advocate General, to the Comptroller of the Accounts of the Army, their Deputies and Clerks, including the contingent Expences of their respective Offices, for the Amount of Exchequer Fees to be paid by the Paymaster General, and on Account of Poundage to be returned to the Infantry, for 1790; and 162,797*l.* 18*s.* 4*d.* upon Account of the reduced Officers of the Land Forces and Marines, for 1790; and 202*l.* 1*s.* 6*d.* for defraying the Charge of Allowances to the several Officers and private Gentlemen of the Two Troops of Horse Guards reduced, and to the Superannuated Gentlemen of the Four Troops of Horse Guards, for 1790; and 55,092*l.* 10*s.* upon Account of the reduced Officers of the *British American* Forces, for 1790; and 4,907*l.* 10*s.* for defraying the Charge of Allowances to several reduced Officers of the *British American* Forces, for 1790; and 3,392*l.* 14*s.* 2*d.* on Account of the several Officers, late in the Service of the States General, for 1790; and 3,411*l.* 14*s.* 4*d.* for defraying the Charge of Major Francis Grise's Corps of Foot for Service in *New South Wales*, from June 5, 1789, to Dec. 24, following, both inclusive; and 180,938*l.* 19*s.* 6*d.* for defraying the Charge of the In and Out Pensioners of *Chelsea Hospital*, and of the Expences of that Hospital, for 1790; and 9,991*l.* 9*s.* 3*d.* upon Account, for defraying the Charge of Pensions to be paid to the

Widows of Commissioned Officers, and Expences attending the same, for 1790; and 36,093*l.* 15*s.* for defraying the Charge of Subsidy to the Landgrave of *Hesse Cassel*, for 1790; and 356,458*l.* 12*s.* 4*d.* towards defraying the extraordinary Expences of the Land Forces, and other Services, incurred from Dec. 25, 1788, to Dec. 24, 1790.

There shall be issued 3,500,000*l.* for paying off the Exchequer Bills made out by virtue of an Act of 29 Geo. III, Cap. 34; and 2,000,000*l.* to discharge further Exchequer Bills made out by another Act of 29 Geo. III, Cap. 35.

There shall be issued 48,424*l.* 15*s.* 3*d.* to make good the like Sum which has been issued by His Majesty's Orders in pursuance of the Addresses of the House of Commons.

There shall be issued 1,000,000*l.* to enable His Majesty to take such Measures, and to make such Augmentations of His Forces by Sea and Land, as the Exigency of Affairs may require.

There shall be issued 6,376*l.* 17*s.* 6*d.* for defraying the Charge of the Civil Establishment of *Nova Scotia*, from Jan. 1, 1790, to Jan. 1, 1791; and 4,400*l.* for defraying the Charge of the Civil Establishment of *New Brunswick*, from June 24, 1790, to June 24, 1791; and 1,840*l.* for defraying the Charge of the Civil Establishment of the Island of *St. John* in *America*, from Jan. 1, 1790, to Jan. 1, 1791; and 2,100*l.* for defraying the Charge of the Civil Establishment of the Island of *Cape Breton* in *America*, from June 24, 1790, to June 24, 1791; and 1,182*l.* 10*s.* for defraying the Charge of the Salaries of the Governor and Civil Officers in *Newfoundland*, from April 1, 1790, to April 1, 1791; and 4,080*l.* for defraying the Charge of supporting the Civil Establishment of the *Bahama Islands*, in Addition to the Salaries now paid to the Publick Officers out of the Duty Fund and other incidental Charges attending the same, from Jan. 1, 1790, to Jan. 1, 1791; and 580*l.* for defraying the Charge of the Salary to the Chief Justice of the *Bermuda* or *p. 635.* *Somers Islands*, from June 24, 1790, to June 24, 1791; and 600*l.* for defraying the Charge of the Salary to the Chief Justice of the Island of *Dominica*, from Jan. 1, 1790, to Jan. 1, 1791; and 4,558*l.* 7*s.* 8*d.* for defraying the Charge of the Civil Establishment in *New South Wales*, from Oct. 10, 1790, to Oct. 10, 1791; and 13,000*l.* to be employed in maintaining Forts and Settlements on the Coast of *Africa*.

There shall be issued 4,859*l.* 1*s.* 8*d.* upon Account of the Expences of the new Roads of Communication, and building Bridges, in the Islands of *North Britain*, in 1790; and 238,279*l.* 9*s.* 2*d.* 2*q.* for the

the Payment of such Part of the Principal and Interest thereon as shall become due on or before Oct. 10, 1790, on all the Orders made out pursuant to an Act of 28 Geo. III, for giving Relief to the *American Loyalists*, and for making Compensation to such Persons as have suffered in their Rights, in consequence of the Cession of *East Florida* to Spain; and 6,888 l. 7 s. 6 d. to make good the like Sum issued to *Henry Bradley* Esq. for maintaining Convicts in the Harbour of *Hamoaze* at *Plymouth*; and 33,228 l. 15 s. 6 d. to make good the like Sum issued to *Duncan Campbell* Esq. for maintaining Convicts on the River *Thames*; and 500 l. to make good the like Sum issued to the Secretary of the Commissioners appointed by an Act of last Session, *To regulate, for a limited Time, the shipping and carrying Slaves, in British Vessels, from the Coast of Africa*; and 200 l. to make good the like Sum issued to the Secretary of the Commissioners appointed to enquire into the Losses of all Persons who have suffered in their Properties in consequence of the Cession of *East Florida* to Spain; and 1,900 l. to make good the like Sum issued to the Secretary of the Commissioners appointed to enquire into the Losses of the *American Loyalists*; and 2,951 l. 1 s. 10 d. to make good the like Sum issued in consequence of the Expenses incurred in carrying on the Prosecution against *Warren Hastings* Esq.; and 1,000 l. to make good the like Sum issued to defray the Expenses of executing an Act of the last Session, for enquiring into the Emoluments of the Officers of the Customs; and 1,632 l. 6 s. 3 d. 3 q. to make good the like Sum issued to *Thomas Cotton* Esq. to pay Bills of Exchange, and other Purposes, by the Direction of the Treasury; and 3,162 l. 5 s. 6 d. to make good the like Sum paid to *Thomas Dundas* and *Jeremy Pemberton*, Esqrs. Commissioners appointed to enquire, in *America*, into the Losses of *American Sufferers*; and 30,520 l. 17 s. 1 d. to make good the like Sum issued to the Earl of *Effingham*, for defraying the extraordinary Expenses of the Mint in the Tower of *London*, in 1788; and 51,638 l. 6 s. 11 d. for defraying the Expence of sending Provisions and sundry Articles to *New South Wales*; and 910 l. to make good the like Sum issued to *Henry Hughs* Esq. for printing the Reports of the Committee of Council on the Trade to *Africa*; and 35,785 l. 15 s. 6 d. to make good the like Sum issued to *Thomas Cotton* Esq. out of the Civil List Revenues, for defraying the Expence of Allowances for the Relief of *American Civil Officers*, and others, who have suffered on Account of their Attachment to His Majesty's Government; and 49,550 l. 17 s. 6 d. for Principal and Inter-

est, to be computed at 4 per Cent. per Ann. from July 5, 1788, to July 5, 1790, to give Relief to certain Persons, interessed in Lands in *Georgia*, which were ceded to His Majesty by the *Cherokee* and *Greek Indians* on June 1, 1773, for the Purpose of discharging the Debts due from those Nations to certain *British* Traders, which Lands, by virtue of the Treaty of Peace, were ceded to the United States of *America*. p. 638.

There shall be issued 231,517 l. 12 s. 2 d. 1 q. to make good the Deficiency of the Grants for the Service of the Year 1789.

The said Supplies shall not be applied to any other than the Purposes before-mentioned, or for the Deficiency or other Payments directed to be satisfied thereout, by any Acts of this Session.

And, as to the Sum of 162,797 l. 18 s. 4 d. appropriated on Account of Half Pay, it is enacted, That the Rules herein-after prescribed shall be duly observed in the Application thereof; (*viz.*), no Person shall receive any Part of the same who was under the Age of 16 when the Regiment in which he served was reduced; no Person shall receive any Part of it, except he did actual Service in some Regiment, &c.; no Person having any other Place or Employment of Profit, Civil or Military, under His Majesty, shall receive any Part of the said Half Pay; no Chaplain of any Garrison or Regiment, who has any Ecclesiastical Benefice in *Great Britain* or *Ireland*, shall receive any Part thereof; no Person shall receive any Part thereof who has resigned his Commission, and has had no Commission since; no Part shall be allowed to any Person by any Warrant or Appointment, except to such as would have been entitled thereto as reduced Officers; and no Part of the same shall be allowed to Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot lately disbanded in *Ireland*, except to such as were lately taken off the Establishment of Half Pay in *Great Britain*. p. 639.

And as by the Consolidated Fund Act of 29 Geo. III, the several Supplies granted to His Majesty, as therein mentioned, were appropriated to the Purposes therein expressed; amongst which, 172,787 l. 5 s. 5 d. was appropriated to be paid to the reduced Officers of the Land Forces and Marines, for 1789, subject to such Rules in the Application of the said Half Pay, as by that Act were prescribed; it is enacted, That so much of the said Sum as shall be more than sufficient to satisfy the reduced Officers, shall be disposed of to maimed Officers, or such others as, by reason of long Service or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, as His Majesty shall direct. p. 640.



An ABSTRACT of an Act to amend and continue, for a limited Time, several Acts of Parliament for regulating the shipping and carrying Slaves in British Vessels from the Coast of Africa.

Anno tricesimo GEORGII III. Regis.

C A P. XXXIII.

- p. 643. THE Preamble recites 28 Geo. III. Cap. 54, which was amended and continued by an Act of last Session, Cap. 66, till Aug. 1, 1790; and states that it is expedient to continue and amend the last mentioned Act: It is therefore enacted, That no
- p. 644. Master of a British Ship, which shall clear out from this Kingdom after Aug. 1, 1790, shall have on Board at one Time, or shall carry Slaves from the Coast of Africa in such Vessel, in any greater Number than in the Proportion of Five Slaves for every Three Tons of her Burthen, if she exceeds not 201 Tons, and of One Slave for every additional Ton above that Burthen, or Male Slaves who shall exceed Four Feet Four Inches in Height, in any greater Number than in the Proportion of One Male Slave to every Ton of the Burthen of the Vessel, if she exceeds not 201 Tons, and of Three such Male Slaves, who shall exceed the Height of Four Feet Four Inches, for every additional Five Tons above the Burthen aforesaid; which Vessels shall be deemed to be of the Tonnage described in their Certificate of Registry; and if any Master shall act contrary hereto, he shall forfeit 30*l.* for every Slave exceeding in Number the Proportions herein limited,
- p. 645. One Moiety whereof shall go to His Majesty, and the other to the Prosecutor: But if more than Two Fifth Parts of the Slaves be Children, who shall not exceed Four Feet Four Inches in Height, then every Five such Children (above the aforesaid Proportion of Two Fifths) shall be deemed equal to Four Slaves.
- But nothing herein shall extend to the Case of a Ship taking on Board any Number of Slaves that are Shipwrecked, or from on Board any other Vessel where, by reason of an Insurrection, by Failure of Hands, or by actual Distress of the Vessel, the Master shall be unable to govern her, the Proof of which shall lie on such Master.
- On the Arrival of any Vessel in the British West Indies from the Coast of Africa with Slaves, the Master shall, before any of the Slaves are landed, repair to the nearest Custom-house, and declare on Oath before the Chief Officer, the Burthen of his Vessel, and shall shew the Certificate of her Registry, and shall also deliver on Oath an Account of the greatest Number of Slaves (distinguishing the Number of Males and Females, and specifying the Number of such Slaves as shall exceed the aforesaid Height of Four Feet Four Inches) who have been at One Time on Board his Vessel for that Voyage; and if he lands any Slaves contrary hereto, he shall forfeit 500*l.* One Moiety of which shall go to His Majesty, and the other to the Informer; and the Officer of the Customs shall search the Vessel, and take an Account of the Slaves on Board, and specify the Number of Males and Females, and those not exceeding Four Feet Four Inches in Height, and transmit it to the Commissioners of the Customs in London, under the Penalty of 500*l.*: But if there be no Revenue Officer in the Place of Arrival, any Civil Officer there shall, on Application as aforesaid, administer the Oath to the Master, and receive the Declaration of the Burthen of the Ship.
- No Master of any Vessel cleared out as aforesaid shall take on Board any Slaves from the Coast of Africa, unless the Vessel shall have been entered for such Purpose at the Port of Clearance, and unless the Surgeon of such Vessel shall have given Bond to the Collector or Comptroller of the Customs there, in the penal Sum of 100*l.* with Condition that he shall keep a regular Journal of the greatest Number of Slaves which shall have been at any Time during the Voyage on Board the Vessel, from her Arrival on the Coast of Africa until her Arrival at the Port of her Delivery, distinguishing the Number of Males and Females, and of the Deaths of any such Slaves, or Crew, and of the Cause thereof, during the Voyage, from the first Departure of the Vessel to her Arrival on the Coast of Africa, during her Stay there,

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there, and after her Departure from thence to the Port of Delivery, or during such Time as he shall have been on Board; which Journal he shall deliver to the Collector or other Officer as aforesaid, at the first *British* Port where the Vessel shall arrive, and shall make Oath to the Truth of it; and such Officer shall deliver to the Master a Copy of his Oath, and to the Surgeon a Copy of his Journal, attested under his Hand and Seal, and Duplicates thereof shall be transmitted to the Commissioners of the Customs in *London*: And if such Master shall land the Whole or any Part of his Cargo, in any foreign Port, he shall, with the Surgeon, on his Arrival at a *British* one, make the same Declaration, deliver in the same Journal, and take the same Oaths before the Collectors or other Chief Officers of the Customs, or Civil Officer of the Port, and receive the same attested Certificate, as if he had first arrived there; and if such Master or Surgeon shall act contrary hereto, he shall forfeit 100*l*.

p. 648. One Moiety whereof shall go to His Majesty, and the other to the Prosecutor.

If the Master of any Vessel shall be convicted of any of the Offences aforesaid, and shall not, within 14 Days, pay the Penalty, any Commander of His Majesty's Ships, or any Governor of *America* or the *West Indies*, or any Officer of the Customs, may seize the Vessel, and convey her to the nearest Custom-house, and the Collector there shall cause her to be sold by Auction for Payment.

The Penalties may be sued for in any Court of Vice Admiralty in *America*, or the *West Indies*, where the Offence shall have been committed, or in any Court of Record at *Westminster*, or in the Court of Exchequer at *Edinburgh*.

In every Vessel the upper and lower Cabin, and the Space between Decks, shall be allotted for the Slaves; and no Goods shall be stowed therein, after Two Thirds of her Complement of Slaves shall be on Board.

No Person shall take the Charge of a Vessel at clearing out from *Great Britain*, for purchasing Slaves, unless he shall have made Oath and delivered in to the Collector or other Chief Officer of the Customs, at the Port of Clearance, a Certificate attested by the Owner of the Vessel, that he has already served in the Capacity of Master during One Voyage, or shall have served as Chief Mate or Surgeon for Two Voyages, or either as Chief or other Mate during Three Voyages, in carrying Slaves from *Africa*, or he shall forfeit, and also the Owner who shall employ him, 500*l*.

No Owner of any Vessel shall insure any Slaves on Board thereof against any

Loss, except the Perils of the Sea, Piracy, Insurrection, or Capture by the King's Enemies, Barratry of the Master and Crew, and Destruction by Fire; and every Policy of Insurance made contrary to this Act shall be void.

No Vessel shall be allowed to clear out, unless it appears to the principal Officer of the Customs at the Port that there is a Surgeon engaged to proceed on Board the same, and unless such Surgeon shall have produced to him a Certificate of his having passed his Examination at Surgeons Hall, or at some publick Hospital, or at the Royal College of Physicians, or Royal College of Surgeons in *Edinburgh*, of which Certificate the Officer shall give to the Surgeon an attested Copy.

If it shall appear to the Collector or other principal Officer at the Port of Discharge, that there shall not have died more than in the Proportion of Two Slaves in the 100, from the Arrival of the Vessel on the Coast of *Africa*, to her Arrival at her Port of Discharge in the *British West Indies*, he shall make out Certificates, specifying the Number of Slaves that appear to have been taken on Board the Vessel, and the Number that have died within the Period above-mentioned, One of which shall be delivered to the Master, and the other to the Surgeon of the Vessel; and on Production of such Certificates the Commissioners of the Customs in *England* or *Scotland* shall direct 100*l*. to be paid to the Master, and 50*l*. to the Surgeon; or if it shall appear to him that there shall not have died more than Three Slaves in the 100, during the said Period, like Certificates shall be delivered, which shall entitle such Master of the Vessel to 50*l*. and the Surgeon to 25*l*.

And as it is just that Compensation should be made to Individuals who may have sustained Losses in consequence of the recited Act of 28 Geo. III; it is enacted, That *Brook Watson*, *Samuel Beachcroft*, and *William Roe*, Esquires, shall be Commissioners for enquiring into any Losses sustained in consequence of that Act, by any Merchants or Owners of Vessels engaged in the *African Trade*, who shall have made Application to them, before Sept. 1, 1788, and all Persons having made such Applications shall, by Aug. 1, 1790, lay before them the Grounds of their Claims, with all such Circumstances as shall appear necessary for Information; and the Commissioners may examine, on Oath, all Persons whom they think fit relative to the same; and shall determine the Amount of the Losses sustained by the Claimants, and report to Parliament what Compensation should be made to them: But before they proceed to take any Step in

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performance of the Act, they shall take an Oath before the Master of the Rolls, or One of the Justices of the Court of King's Bench or Common Pleas, or One of the Barons of the Exchequer, in the Form following; (*viz.*)

*I A. B. do swear, That, according to the best of my Skill and Knowledge, I will faithfully and impartially execute the several Powers and Trusts vested in me by virtue of an Act, intituled, An Act to amend and continue for a limited Time, several Acts of Parliament, "For regulating the shipping and carrying "Slaves in British Vessels from the Coast of "Africa."*

p. 654. The Treasury may issue 2,000 *l.* to such Persons as the Commissioners shall direct, for the Payment of Clerks and Officers, and in defraying all other necessary Charges in the Execution of this Act, in such Manner as shall be appointed by the said Commissioners under their Hands and Seals.

In case of a Vacancy of any Commissioner during the Recess of Parliament, His Majesty may appoint one.

After Aug. 1, 1790, before any Vessel proceeds to Sea, the Master, Officers, and Mariners, shall execute Articles of Agreement, and a Muster Roll, in the Presence of the Clearing Officer, and One of the Tidemen of the Port, and a Duplicate thereof shall be delivered to the Clearing Officer, to be lodged with the proper Custom House Officer, according to the Forms hereunto annexed, and no other Form shall be used, under the Penalty of 50*l.* One Half to be paid to Greenwich Hospital, and the other to the Prosecutor.

A Continuation of the Muster Roll shall be regularly kept during the Voyage, also a Log Book, wherein all Penalties and Charges against any Officer or Seaman, shall be entered, and signed by the Master, Chief Mate, and Surgeon, and delivered in on Oath, with the Muster Roll, on the Arrival of the Vessel, to the Collector or other Chief Officer of the Port; and if any Master, &c. shall be convicted of signing false Muster Rolls, Articles of Agreement, or Log Book, he shall forfeit 100*l.* and suffer Six Months Imprisonment.

No Officer or Seaman shall be turned over or discharged, unless to assist a Ship in Distress, which is to be certified by the principal Officers of both Ships concerned, and an Agreement with the Officers or Men so lent, or on Preferment, with the Consent of the Party, for which a Certificate shall be given from the Captain of any of His Majesty's Vessels (if any are present), or in their Absence Two Justices, or the Collector and Com-

troller of the Customs at the Port where such Vessel shall first arrive; which Certificate shall be returned with the Muster Roll and Log Book, on the Arrival of the Ship in Great Britain.

No Master shall supply any Officer or Mariners with Slops, Tobacco, or other Articles, beyond One Fourth of the monthly Wages.

If any Officer or Seaman shall behave in a riotous or mutinous Manner, the Master may put him into Confinement for a Time not exceeding 24 Hours, before it is reported to the Captain of any of His Majesty's Ships, who shall grant such Relief therein as the Circumstances of the Case may require; and if none of His Majesty's Ships are present, the Cause of Complaint shall be fully examined into by the Master and Two Officers, in the Presence of the Ship's Company; and if it shall be judged necessary to continue the Offender in Confinement, such Determination shall be drawn up, with the Reasons for coming to such Resolution, and signed by the Master and Two Officers, which they shall, on Penalty of 50*l.* report to the Captain of the First Ship belonging to His Majesty they may fall in with, and in Default thereof to report the same to the Governor or Chief Officer of any British Port on the Coast of Africa, or to the Governor of any of the West India Islands, on their Arrival there, that Measures may be taken to bring the Offender to Justice.

The Master shall cause a printed Abstract of this Act, and also a Copy of the Schedule (A), and of the Muster Roll, to be hung up in the most publick Place of his Vessel, on Penalty of 20*l.*

If any Officer or Seaman, charged with Mutiny, shall be taken into Custody by the Order of the Governor or Chief Officer of any Port on the Coast of Africa, or in the West Indies, a full Statement on Oath shall be lodged with him; and in case the Master shall neglect to appear at the Trial, on being duly summoned, or on Notice thereof being given in the *London Gazette*, he shall incur such Penalty as the Court shall adjudge.

On the Arrival of every Vessel, the Officers and Seamen shall be continued in full Pay and Provisions until the Ship is cleared Inwards, or their Accounts paid, and Wages due to run Men shall be paid to the Use of Greenwich Hospital, and all other Forfeitures shall be applied as is specified in the Articles of Agreement. p. 658.

Offences committed in Breach of this Act may be tried in any Court of Oyer and Terminer in any County in England wherein the Offence shall have been committed, or

if

p. 659.

p. 660.

if committed beyond the Seas, then in the County within which the Ship on Board which the Offence shall have been committed shall have cleared out, or in *Middlesex*; and Penalties may be recovered in any Court of Record in *Great Britain*; which Actions shall be brought within Three Years after the Offence committed, and the Party against whom Judgement shall be given shall pay Double Costs.

If any Person taking an Oath by this Act

required to be taken shall commit wilful Perjury, or if any Person shall suborn another to do so, he shall suffer the like Penalties as are by Law inflicted on Persons guilty of Perjury.

This Act shall continue in Force till Aug. 1, 1791, only, except for the Purpose of suing Persons for Offences, or for determining on such Claims as have come before the Commissioners.

## S C H E D U L E (A.)

p. 659. ARTICLES of Agreement between the Master, Officers, Mariners, Seamen, and Seafaring Men, of the Ship bound from the Port of \_\_\_\_\_ upon an intended Voyage to the Coast of *Africa*, from thence to the *West Indies* or *America*, and afterwards to \_\_\_\_\_ in *Great Britain*, or to her delivering Port in *Europe*.

FIRST, the Master does hereby covenant, agree, and engage with the said Officers, Seamen, Seafaring Men, Landsmen, and Boys, That he will pay, or cause to be paid, to each and every of them at the Rate of the Wages per Month, Sterling Value, as against each Person's Name is expressed in the Muster Roll.

Secondly, the said Master does further agree and engage with the said Officers, Mariners, Seamen, Seafaring Men, Landsmen, and Boys, That they shall be daily and regularly supplied with good and wholesome Victuals, and a Portion of Wine or Spirits, as hereafter specified; the said Provisions to be issued and dressed in the usual Manner in which it is done on Board His Majesty's Ships of War, and served out to the Ship's Company in the Manner following; viz.

To each Man on  
*Sunday.* One Pound and an Half of Beef, containing 16 Ounces to the Pound, and a Pint of Flour.  
*Monday.* One Pound of Pork, containing 16 Ounces to the Pound, and Half a Pint of Pease.  
*Tuesday.* One Pint of Oatmeal, and Two Ounces of Butter, and Four Ounces of Cheese; or, One Pound of Stock Fish, with 1-8th of a Pint of Oil, and a Quarter of a Pint of Vinegar, in lieu of Butter and Cheese.  
*Wednesday.* The same as *Monday*.  
*Thursday.* The same as *Sunday*.  
*Friday.* The same as *Tuesday*.  
*Saturday.* The same as *Monday*.  
 Z

Each Person besides to have Six Pounds of Bread per Week, and a Quarter of a Pint of Spirits, or Half a Pint of Wine, together with Water per Day, during the Voyage.

In lieu of Pease and Oatmeal may be served Rice, *Indian Corn*, Yams, or Calavances.

In case of being put to Short Allowance, the Master, Officers, and Seamen are to be at the same Allowance of Provisions or Water, and to be allowed Short Allowance Money, at the Rate of 3d. per Day if at Two Thirds Allowance, and 4½d. per Day per Man, if at Half Allowance, and to be paid their Short Allowance Money Ten Days before the Vessel sails from the *West Indies* or *America*.

And it is hereby further covenanted and agreed by and between the said Parties, That the Master of the said Ship, at his or the Owners proper Cost and Charge, will hire and employ the Natives in their Craft to Wood and Water the said Ship during her Continuance on the Coast of *Africa*, if such Natives can be procured, under the Direction of a Patroon belonging to the said Ship.

And it is further agreed on the Part of the said Master, That whenever the Officers and Seamen are employed trading in Craft up the Rivers, that the said Master will on the Part of the Owners furnish the Parties so employed with a sufficient Quantity of painted Canvas or Tarpawling for an Awning, and Provisions for the Time, in the Proportion per Diem as is set forth in the foregoing Article, with proper Utensils and Fire to dress the same; and upon Failure thereof,

thereof, for every such Neglect he shall forfeit Double the Value of Provisions.

The said Master does further agree and engage, That there shall be a Space reserved for Half the Ship's Company to shelter themselves while the Slaves are on Board; if a Frigate-built Ship, it shall be under the Half Deck; or in the Steerage, or under a standing Awning of Wood well caulked, in any other Ship or Vessel.

It is hereby further agreed by the said Master, That he will not, upon any Pretence  
p. 661. whatsoever, turn over or discharge any of the Officers or Ship's Company belonging to the said Ship, unless on Promotion, or to assist a Ship actually in Distress, and not then, unless properly certified as before expressed in this Act: And the said Master does hereby further agree to advance One Month's Pay to the Officers and Ship's Company before the said Ship departs from *Great Britain*, at the Time of setting the River or Harbour Pay, and that the Monthly Wages shall commence from that Period: And it is further agreed by the said Master, that he will pay, or cause to be paid, One Month's Pay after the landing of the Slaves in the *West Indies or America*; Ten Days before the sailing of the said Ship in Homeward-bound Passage; and also the said Master engages to make the general Signal for sailing 24 Hours before the Departure of the said Ship, viz. by loosing the Fore-top Sail and firing a Gun.

And we the Officers, Mariners, Seamen, Seafaring Men, Landmen, and Boys, in consideration of the Monthly or other Wages, foregoing Stipulations, and Engagements, do severally promise and agree, and bind ourselves by these Presents to behave with due Subordination and Respect, and to obey the lawful Commands of our Commander or superior Officers on Board the said Ship, or Boats thereunto belonging, as becomes good and faithful Seamen and Mariners, and at all Places where the said Ship shall touch at, or put into, or anchor, during the said Voyage, to do our utmost Endeavours for the Preservation of the said Ship and Cargo, and not to neglect or refuse

doing our Duty by Night or by Day, nor go out of the said Ship on Board any other Vessel, or be on Shore, under any Pretence whatsoever, without Leave first obtained of our Commander or Commanding Officer on Board; and further, that we will, on no Account whatsoever, leave or desert the said Ship without the Master's Consent (unless to serve on Board any of His Majesty's Ships) till the above said Voyage be ended; and the said Ship discharged, under the Forfeiture of our Wages: And we do further agree, that when absent upon Leave we will immediately repair on Board, when required so to do by our Commander, or any of our superiour Officers, on Failure thereof to forfeit for such Disobedience Seven Days Pay, to be charged against our Wages, for every such Offence: And we do further agree and acknowledge, that 48 Hours Absence without Leave shall be deemed a total Desertion from the said Ship, and our Wages forfeited as above agreed on, unless good and sufficient Cause can be assigned for such Absence.

And it is further agreed, by us the said Officers and Mariners belonging to the said Ship, That we will not demand our Wages, or any Part thereof, except the Value of a Fourth Part of our Wages to be supplied in Slops or other Necessaries, and One Month's Pay with our Short Allowance Money then due in the *West Indies or America*, until the Arrival of the said Ship at her delivering Port, except we should be impressed or enter on Board any of His Majesty's Ships, or be discharged by mutual Consent, agreeable to the foregoing Certificate, as specified in this Act.

And it is hereby further agreed by us the said Officers, Mariners, Seamen, Seafaring Men, Landmen, and Boys, That whatever Stores, Furniture, or Apparel, each or any of us receive into our Charge belonging to the said Ship, shall be accounted for; and in case any Thing should be lost or damaged by our Negligence or Carelessness, it shall be made good to the Masters or Owners out of the Wages of such Officers or Seamen by whose Negligence it has happened.

p. 662.

## SCHEDULE (B.)

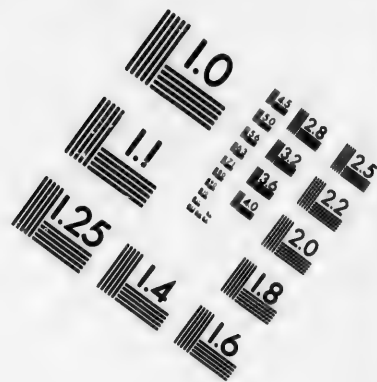
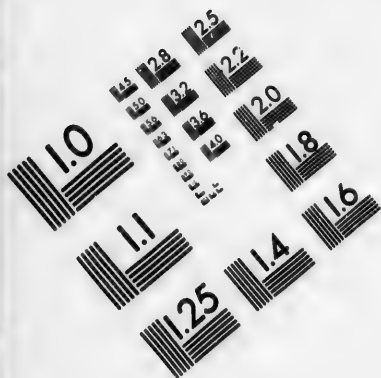
p. 663.

## MUSTER ROLL

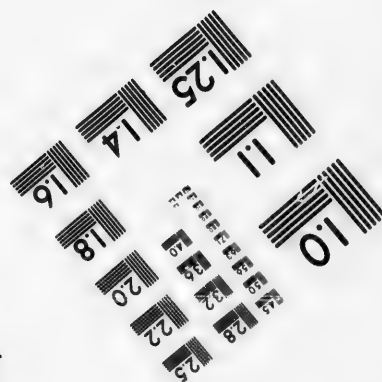
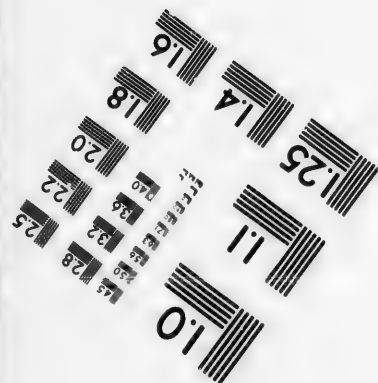
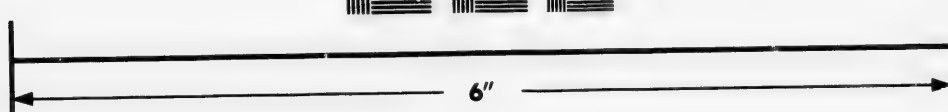
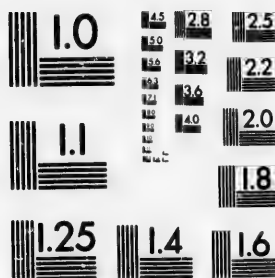
Officers and Men's Names.	Quality.	Where born.	Age.	Years at Sea.	Time of Entry, and Place where.	Time when, and Place where dis- charged, died, run, or drowned.	Cause of Discharge, Death, or drowned.	Number of Months and Days on Board.	Wages per Month.	Advance Money.	Hospital Duty.	Amount of Slops supplied.	Amount of Dead Men's Cloaths.	Amount of Short Provisions Money.	Total Amount of Wages due Men &c. for the Month.	Amount of Run Men's Pay.
John Jones.	Master.	—	30 15	—	5th Nov. 1785. Brillol.	Died 4th January 1786. Cape Coast.	Fever.	M. D. 2 —	£. s. d. 6 0 0	£. s. d. 6 0 0	£. s. d. 0 0 0	£. s. d. 0 0 0	£. s. d. 14 16 9½	£. s. d. 0 0 0	£. s. d. 13 0 0	£. s. d. 0 0 0







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p. 664.

## FORM OF CERTIFICATE.

THESE are to certify, That the Number of Slaves that appear to have been taken on Board the Ship or Vessel called *Jaden with Saves from the Coast of Africa* [specifying what Part of the Coast she purchased her Slaves at] of the Tonnage or Burthen of [according to the Tonnage or Burthen of the said Ship or Vessel, as described and set forth in the Certificate of the Registry of the said Ship or Vessel, granted in pursuance of an Act made and passed in the Twenty-sixth Year of the Reign of His present Majesty, (intituled, *An Act*

for the further Encrease and Encouragement of Shipping and Navigation] were whereof (being Male Slaves) did not exceed respectively Four Feet Four Inches in Height; and that the Number that have died, from the Time of the Arrival of such Ship or Vessel on the Coast of Africa, to the Time of her Arrival in this her Port of Discharge, amounts to Slaves, and not more.

Custom House,  
dated the of

p. 667. An ABSTRACT of an Act for giving Relief to such Persons as have suffered in their Rights and Properties, during the late unhappy Dissentions in *America*, in consequence of their Loyalty to His Majesty, and Attachment to the *British* Government; for making Compensation to Persons who furnished Provisions, or other necessary Articles, to the Army or Navy in *America* during the War, or whose Property was used, seized, or destroyed for the carrying on the publick Service there; and also for making Compensation to such Persons as have suffered in their Properties, in consequence of the Cession of the Province of *East Florida* to the King of *Spain*.

p. 670.

p. 671.

Anno tricesimo GEORGI II. III. Regis.

## C A P. XXXIV.

p. 668. THE Preamble states, That Inquiries have been made, under the Authority of several Acts, into the Losses of the *American* Loyalists; and also, under the Authority of an Act of 26 Geo. III, into the Losses of the Sufferers by the Cession of *East Florida* to *Spain*: And that it is consistent with the Honour and Character of the *British* Nation, that liberal Relief should be given them: It is therefore enacted,

That the Commissioners for enquiring into the Losses of *American* Sufferers shall, by July 5, 1790, make up and transmit to the Treasury a Book, containing the Names and Additions of the Persons who have produced satisfactory Evidence of their Losses, with their settled Amount; abating therefrom, in the Case of Persons coming within any of the Classes respectively described, under the Titles of *Loyalists who have rendered Services*

p. 669.

*Services to Great Britain; Loyalists who bore Arms in the Service of Great Britain; Loyalists Zealous and Uniform; Loyalists who took Oaths to the American States, but afterwards joined the British; Loyalists who bore Arms for the American States, but afterwards joined the British; and Loyalists sustaining Losses under the Prohibitory Act; 10l. per Cent. of such Part as shall exceed 10,000l. where the Amount of such Losses shall not be above 35,000l.; and also abating therefrom, in the Case of the Claimants under the Will of John Earl of Granville, 40l. per Cent. of such Part thereof as shall exceed 10,000l.; and in the Case of Lord Fairfax, 20l. per Cent. of such Part thereof as shall exceed 10,000l.; and likewise abating therefrom such Sums as the said Sufferers shall have received before July 5, 1790, towards their Losses: And the Commissioners for enquiring into the Losses of Persons by the Cession of East Florida to Spain, shall, in like Manner, by July 5, 1790, make up and transmit to the Treasury a Book, containing the Names and Additions of the Persons who have produced satisfactory Evidence of their Losses, with their settled Amount, abating therefrom such Sums as the Sufferers shall have received towards their Losses; and the Treasury shall issue their Warrant to the Exchequer, to make forth standing Orders, in the Names of the Persons inserted in such Books, for such Sums, not being fractional Parts of 50l. and also distinct Orders for Sums less than 50l. as shall be set against their Names, as a Compensation for their Losses; which Orders shall be signed by Three Commissioners of the Treasury, and shall carry an Interest of 3l. 10s. per Cent. from July 5, 1788; and the same shall be payable out of the Supplies which shall be granted for*

p. 670.

p. 671. 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, and 1798; and the Principal Sums contained in such Orders shall be paid off, with the Interest, by half-yearly Instalments of 6l. 5s. per Cent. on April 5, and Oct. 10, in every Year, till the whole Sums for which they are made out, with the Interest, are paid off, or Money reserved in the Exchequer for that Purpose; the First half-yearly Instalment, with the Interest, to be computed from July 5, 1788, as aforesaid, to be payable on April 5, 1791; and the Treasury shall issue their Warrant to the Exchequer to pay off the Orders in Manner aforesaid.

The standing Orders made out at the Exchequer shall be assignable on the Back thereof, the Assignment being attested by Two credible Witnesses.

The Treasury shall direct Payment of all Orders under 50l. to be made on Oct. 10, 1790, with the Interest thereon, computed from July 5, 1788, to Oct. 10, 1790.

In order to prevent Orders from being fraudulently obtained at the Exchequer, the Commissioners for ascertaining the Losses aforementioned shall deliver to every Person named in the Books aforesaid a Certificate, containing the Name and Addition of the Claimant, and the Sum to which he is intitled; which Certificate shall be carried to the proper Officer in the Exchequer, who shall then deliver the Order, and take a Receipt for it on the Back of the Certificate.

p. 673.

The Orders shall be numbered arithmetically, beginning with One, and shall be registered accordingly.

The Clauses of the Malt Act of this Session (except such as charge the Loans or Exchequer Bills authorised to be made thereby, and except such as limit the Rate of Interest) shall extend to the Orders to be made out in pursuance of this Act.

In case any Orders shall be filled up by Indorsement, or by any Accident be defaced, the Treasury may cause new ones to be made in lieu thereof.

Out of the Supplies to be granted for 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, and 1798, or out of such Monies as shall remain in the Exchequer of the Consolidated Fund, the Treasury may reward such Persons as shall be employed in the Execution of this Act, and pay all Expences attending it.

p. 674.

In case sufficient Supplies shall not be granted before April 5, 1791, or before April 5 in each subsequent Year, for Payment of the Orders in Manner aforesaid, they shall be paid out of the Consolidated Fund.

p. 675.

Whatever Monies shall be so issued out of the Consolidated Fund shall be replaced out of the First Supplies to be then after granted in Parliament.

If any Person shall forge any Order, or any Indorsement thereon, or fraudulently tender the same in Payment, he shall, on Conviction, suffer Death.

An ABSTRACT of an Act to explain and amend an Act, passed in the Twentieth Year of the Reign of His present Majesty, touching the Election for Knights of the Shire to serve in Parliament for that Part of *Great Britain* called *England*.

*Anno tricesimo* GEORGII III. *Regis*.

C A P. XXXV.

p. 679.  
p. 680.

THE Preamble states, That by 20 *Geo.* III, Cap. 17, no Person should vote for electing a Knight of the Shire to serve in Parliament, within *England* or *Wales*, in respect of any Premises which have not, for Six Months, been assessed to the Land Tax in the Name of the Person claiming to vote, or the Tenant of such Premises: That the Form of Assessment prescribed by that Act denotes that the Names, both of the Proprietor and of the Occupier, ought to be specified; and Doubts have arisen, whether, if such Form be not strictly pursued, the Suffrage of the Person claiming to vote be admissible: And that by 22 *Geo.* III, Cap. 31, such Freeholders only shall be intitled to vote in the Election of Members to serve in Parliament for *Cricklade*, as shall be duly qualified to vote at Elections for Knights of the Shire for the County of *Wilts*: It is therefore enacted, That nothing in the recited Acts shall extend to prevent any Person

from voting at any Election of a Knight of a Shire to serve in Parliament within *England* or *Wales*, or at any Election of a Burgefs for *Cricklade*, for any Premises which have been assessed for Six Months next before such Election to the Land Tax, in his own Name, or for any Premises to which he shall have become entitled by Descent, Marriage, Devise, Promotion to any Benefice or Office within Twelve Months before such Election, and which Premises shall have been within Two Years assessed to the Land Tax, in the Name of the Person through whom he shall derive his Title to such Premises, although the Name of the Occupier shall not be inserted in such Assessment.

Nor shall any Thing therein prevent any Person from voting as aforesaid for any Premises which have been assessed, for Six Months before the Election, to the Land Tax, in the Name of the Occupier only.

p. 687.

p. 688.

p. 689.



An ABSTRACT of an Act to alter, explain, and amend an Act, made in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for limiting the Number of Persons to be carried on the Outside of Stage Coaches, or other Carriages*, and for regulating the Conduct of the Drivers and Guards thereof.

Anno tricesimo GEORGII III. Regis.

C A P. XXXVI.

p. 687. THE Preamble recites an Act of 28 Geo. III. *For limiting the Number of Persons to be carried on the Outside of Stage Coaches, or other Carriages*; and states, that the Regulations thereby established have proved insufficient to answer the good Purposes intended; and that it is expedient that certain Regulations should be established with respect to the Conduct of the Drivers and Guards of Stage Coaches: It is therefore enacted, That after Sept. 29, 1790, if the Driver of any Coach, or other such Carriage, drawn by Three or more Horses, and going for Hire, shall permit more than One Person on the Coach Box besides himself, and Four Persons on the Roof; and if such Carriage shall be drawn by less than Three Horses, more than One Person on the Coach Box, and Three Persons on the Roof, (except the Driver of a Carriage, drawn by less than Three Horses, which shall not go a greater Distance than 25 Miles from the Post Office in London, and who shall not carry more than One Person on the Coach Box, and Four Persons on the Roof), to be conveyed thereby, he shall pay to the Collector of the Tolls, at every Turnpike Gate through which the Carriage shall pass, 5s. for each Person above the Number limited; and if any Passenger beyond the limited Number shall be set down or taken up, whereby the Payment of 5s. may be evaded, the Driver, on Conviction of such Offence, either by his own Confession, the View of a Justice, or the Oath of a credible Witness, shall be committed to Gaol, or the House of Correction, of the Place where the Offence shall have been committed, for any Time

p. 688.

p. 689.

not exceeding One Month, nor less than 14 Days.

The Sum of 5s. for every Passenger beyond the limited Number, shall be levied in like Manner as the Tolls are directed to be levied.

After Sept. 29, 1790, there shall be painted on the Outside of each Door of every Stage Coach, except Mail Coaches, in legible Characters, the Proprietor's Name, and when there are different Proprietors, the Name of him who shall live within the Limits of the Bills of Mortality shall be used.

If the Coachman shall suffer any other Person to drive his Coach, without the Consent of the Passengers, or shall quit the Box without reasonable Occasion, or shall, by Misconduct, overturn the Carriage, or endanger the Persons or Property of the Passengers, he shall forfeit any Sum not exceeding 5l. nor less than 40s. p. 690.

If the Guard to any Coach shall fire off the Arms he is entrusted with, either while the Coach is going on the Road, or in any Town, otherwise than for the Defence of such Coach, he shall forfeit 20s.

The Penalties inflicted by the recited Act on Peace Officers neglecting to execute Warrants, shall extend to this Act; and the Penalties inflicted by this Act may be levied and applied in the same Manner as those under the recited Act; and the Forms of Proceedings shall be the same as those contained in the Schedule annexed thereto.

This Act shall be deemed a Publick one; and shall be judicially taken Notice of as such, by all Judges, &c.

p. 695. An ABSTRACT of an Act to continue Two Acts, made in the Twenty-eighth and Twenty-ninth Years of the Reign of His present Majesty, ' for discontinuing, ' for a limited Time, the several Duties payable in ' *Scotland* upon Low Wines and Spirits, and upon ' Worts, Wash, and other Liquors, there used in the ' Distillation of Spirits, and for granting to His Majesty other Duties in lieu thereof; and for better ' regulating the Exportation of *British*-made Spirits ' from *England* to *Scotland*, and from *Scotland* to ' *England*; and to continue, for a limited Time, an ' Act made in the Twenty-sixth Year of the Reign ' of His present Majesty, " to discontinue, for a limited Time, the Payment of the Duties upon Low Wines and Spirits for Home Consumption; and for granting and securing the due Payment of other Duties in lieu thereof; and for the better Regulation of the making and vending *British* Spirits; and for discontinuing, for a limited Time, certain Imposts and Duties upon Rum and Spirits imported from the *West Indies*;" and for amending the said Act, made in the Twenty-ninth Year of His present Majesty's Reign.

p. 696.

Anno tricesimo GEORGII III. Regis.

C A P. XXXVII.

AS the Law herein-after mentioned has been found useful, and is near expiring; it is enacted, That the Duties of Excise, granted by an Act of 27 Geo. III, For repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, &c. on Wash made in *England*, for extracting Spirits for Home Consumption; and which were, by an Act of 29 Geo. III, For amending and continuing, for a limited Time, an Act made in the last Session of Parliament, intituled, " An Act for discontinuing, for a limited Time, the several Duties payable in *Scotland* upon " Low Wines and Spirits, and upon Worts,

p. 697.

" Wash, and other Liquors there used in the " Distillation of Spirits, and for granting to " His Majesty other Duties in lieu thereof, " &c.;" continued until July 5, 1790, shall be further continued till July 5, 1791; and the same shall be payable by the Distillers of such Wash, in such Manner, and under such Penalties, as they were payable under an Act of 26 Geo. III, To discontinue, for a limited Time, the Payment of the Duties upon Low Wines and Spirits for Home Consumption, and for granting and securing the due Payment of other Duties in lieu thereof, &c.; or any other Act in Force before the passing of an Act

p. 698.

Act of 28 Geo. III, *For discontinuing, for a limited Time, the several Duties payable in Scotland upon Low Wines and Spirits, and upon Worts, Wash, and other Liquors, there used in the Distillation of Spirits, and for granting to His Majesty other Duties in lieu thereof, &c.*

p. 699. And as it is expedient to repeal certain

p. 700. Clauses in the recited Act of 29 Geo. III, which respect the Allowance to be made to Rectifiers and Compounders for Increase by Water or Sugar, &c. the taking of their Stock, the sending out *British* Spirits of greater Strength than One in Four and Seven Sixteenths under Hydrometer Proof, and the cutting off from their Credit the said Allowance, if it appears that it has not been used; it is therefore enacted, That these Clauses shall be repealed; and for the making unto the Rectifiers and Compounders of Spirits a fair Allowance for that Increase by Water, Sugar, &c. which is necessary to render their Spirits fit for Consumption, there shall be allowed Permits for sending out any Quantity, not exceeding 150 Gallons of *British* Brandy, rectified *British* Spirits or Compounds, for every 100 Gallons of Raw *British* Spirits which they shall have received from any Distiller, (not being a Rectifier),  
p. 701. of the Strength of One to Ten over Hydrometer Proof, or which they shall have made at that Strength.

Within 30 Days after the Commencement of this Act, and afterwards every Three Months, the Officers shall take an Account of the Stock of *British* Spirits of Rectifiers and Compounders, (whether Makers of Spirits or not); and if on taking any such Account the Stock shall exceed the Quantity last taken, added to the Quantity since received by Permit from any Distiller, (not being a Rectifier), at the Strength of One to Ten over Hydrometer Proof, or made by such Rectifier at that Strength, with the Allowance of 50 Gallons on every 100 Gallons so made or received, computing such Stock at the Strength of One in Three and Three Fourths under Hydrometer Proof, a Quantity of Spirits equal to that found in Excess shall be forfeited, and the Proprietor shall forfeit 50 l.

p. 702. If the Officer, on taking the First Account of the Stock of any Rectifier, shall find that it exceeds the Quantity found at the last taking, added to the Quantity since received by Permit from any Distiller, (not being a Rectifier), at the Strength of One to Ten over Hydrometer Proof, or made by such Rectifier at that Strength, with the Allowance of 42 Gallons on every 100 Gallons so made or received since the Time of taking such last Account, the Limitation whereof shall have expired on July 5, 1790,

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and with the Allowance of 50 Gallons on every 100 Gallons after that Day, computing such former Stock at the Strength of One in Four and Seven Sixteenths under Hydrometer Proof, and then reducing it to that of One in Three and Three Fourths under Hydrometer Proof, and computing such latter Stock at One in Three and Three Fourths under Hydrometer Proof, a Quantity of Spirits equal to that found in Excess shall be forfeited; and the Proprietor shall also forfeit 50 l. p. 703.

If on taking the Stock of any such Rectifier, &c. it shall appear that any Part of the Allowance shall not have been made use of, that Part, after deducting therefrom so much as will be sufficient to reduce the Stock then found on Hand to the Strength of One in Three and Three Fourths under Hydrometer Proof, shall be cut off from his Credit.

If any Rectifier, &c. shall send out any *British* Spirits of a greater Strength than One in Five under Hydrometer Proof, they shall be forfeited, with the Casks, &c. and the Rectifier shall also forfeit Treble the Value of such Spirits, or 50 l. at the Election of the Prosecutor, the Value of the Spirits to be fixed at the London Price. p. 704.

The Penalties may be sued for by such Ways as any Penalty may be sued for by any Law of Excise, or by Action of Debt, &c. in any Court of Record at Westminster, or in the Court of Exchequer in Scotland; One Half of which shall go to His Majesty, and the other to the Prosecutor.

And as by an Act of 21 Geo. III, *For repealing the Duties payable upon Chocolate made in Great Britain, and for granting certain Inland Duties upon Cocoa Nuts in lieu thereof; for the better and more effectual securing the Revenue of Excise, and of the Inland Duties under the Management of the Commissioners of Excise, and for preventing Frauds therein, &c.*; it is provided, That any Increase, discovered by any Officer in the Stock of any Dealer in Spirits above the Quantity taken at the last Survey, shall not be forfeited, if the Owner makes it appear that the Increase was made by mixing Water with some of the Spirits, in the Presence of an Officer; which Provision, it is necessary to repeal: It is therefore enacted, That the said Provision shall be repealed. p. 705.

So much of the recited Act of 29 Geo. III, as enacts, That the said Act of 26 Geo. III, except such Parts as are repugnant to that of 28 Geo. III, Cap. 46; and also so much thereof as enacts, That the last mentioned Act, except such Parts as are repealed by that of 29 Geo. III, Cap. 45, shall be revived, and continued until July 5, 1790,—shall continue in Force until July 5, 1791.

An ABSTRACT of an Act for repealing the Duties upon Licences for retailing Wine and Sweets, and upon Licences for retailing distilled Spirituous Liquors, and for granting other Duties in Lieu thereof.

Anno tricesimo GEORGII III. Regis.

C A P. XXXVIII.

- p. 711. **T**HE Preamble recites 9 *Annae*, Cap. 23, for charging certain new Duties on stamped Vellum, Parchment, and Paper, by which a Duty of 4 s. was granted on every Licence
- p. 712. for retailing Wine; and that Duty was made perpetual by 3 *Geo.* 1: That by 30 *Geo.* II, Cap. 19, additional Duties were granted on Wine Licences; viz. 5 l. for one taken out by a Person who should not take out a Beer or Spirits Licence; 4 l. for one to a Person having a Beer Licence besides; and 2 l. for one to a Person having likewise a Spirits Licence; and in the last Act it was provided, that in all Cafes where a Duty of 5 l. is to be paid on a Licence for retailing Wine, 3 l. 6 s. 8 d. should be paid for one in *Scotland*; where 4 l. is to be paid, 2 l. 13 s. 6 d.; and where 2 l. is to be paid, 1 l. 6 s. 8 d.: That by 26 *Geo.* III, Cap. 74, a Duty of 2 l. 4 s. was granted on Licences for retailing *British*-made Wines; and all Persons selling *British*-made Wines only under such Licences should be discharged from any Penalty mentioned in the recited Acts: That by 28 *Geo.* III, Cap. 37, no Person should be allowed to retail *British*-made Wines who did not obtain a Beer Licence: And that it is apprehended, that if the recited Duties were repealed, and others imposed on Licences to be granted by the Commissioners of Excise, the Duties would be better secured; it is therefore enacted, That from Oct. 10, 1790, the recited Duties on Licences under the Management of the Commissioners of Stamps shall cease.
- p. 716. And as by an Act of 16 *Geo.* II, Cap. 8, a Duty of 20 s. was granted on Licences to retail Spirits; by 24 *Geo.* II, Cap. 40, an additional Duty of 20 s. was granted; and by 19 *Geo.* III, Cap. 25; 21 *Geo.* III, Cap. 17; 22 *Geo.* III, Cap. 66, Three several additional Duties of 5 per Cent. were charged on the Duties granted by the Two last recited Acts; and by 27 *Geo.* III, Cap. 30, certain other Duties were granted on Licences for retailing Spirituous Liquors: And as it is expedient to repeal the said Duties, and in lieu thereof to impose others; it is enacted, That, from Oct. 10, 1790, the said recited Duties shall cease, except as to Arrears, and to Penalties then incurred.
- p. 718. After Oct. 10, 1790, Licences granted before that Day to sell Wine or Spirits by Retail, although the Term be not expired, shall be void.
- Persons whose Licences shall be so voided, shall be allowed a rateable Proportion for the Time unexpired, on taking out new Licences.
- From Oct. 10, 1790, every Retailer of Foreign or *British*-made Wines, or Spirits, shall take out a Licence as herein-after mentioned; which Licences shall be granted in Manner following; viz. If any Licence shall be taken out within the Limits of the Excise Office in *London*, it shall be granted under the Hands and Seals of Two of the Commissioners of Excise, or of such Persons as they shall appoint; and if taken out within the Limits of *Edinburgh*, it shall be granted under the Hands and Seals of Two of the Commissioners of Excise there; or if taken out in any other Part of *Great Britain*, it shall be granted under the Hands and Seals of the Collectors and Supervisors of Excise within their respective Collections and Districts; and the Persons applying for such Licences shall pay as follows; viz.
- For every Licence to retail Foreign Wine in *England*, if the Party has not a Spirits or Beer Licence, 5 l. 4 s.:
- And 4 l. 4 s. if the Party has a Beer Licence, but not one for Spirits:
- If he has also a Spirits Licence, 2 l. 4 s.:
- For every Licence to retail *British*-made Wines in *Great Britain*, 2 l. 4 s.:
- For every Licence to retail Foreign Wines in *Scotland*, if the Party has not a Spirits or Beer Licence, 3 l. 6 s. 8 d.:
- If he has a Beer Licence, but not one for Spirits, 2 l. 13 s. 4 d.:
- If he has also a Spirits Licence, 1 l. 6 s. 8 d.:

For

p. 722. For every Licence to retail Spirits in *Great Britain*, 4*l.* 14*s.* if the Party's House be rated, under the Authority of 19 *Geo.* III, Cap. 59, for imposing Duties on inhabited Houses, under 15*l.* per Ann.:

If rated at 15*l.* and under 20*l.*—5*l.* 2*s.*:

If rated at 20*l.* and under 25*l.*—5*l.* 10*s.*:

If rated at 25*l.* and under 30*l.*—5*l.* 18*s.*:

If rated at 30*l.* and under 40*l.*—6*l.* 6*s.*:

p. 723. If rated at 40*l.* and under 50*l.*—6*l.* 14*s.*:

And if rated at 50*l.* or upwards, 7*l.* 2*s.*:

The Duty shall be paid at the respective Places where the Licences are granted.

The Licences shall continue in Force till Oct. 10 ensuing the granting thereof; and

p. 724. if granted between April 5 and Oct. 10 a rateable Proportion only shall be charged.

Licences must be renewed yearly, 10 Days before the old ones expire; and if any Person shall retail any Foreign or *British*-made Wines or Spirits, without first taking out a Licence, and renewing it as aforesaid, he shall forfeit 50*l.*

On the Death or Removal of licensed Persons, the Commissioners, and Collectors and Supervisors of Excise, may authorise the

p. 725. Executors or Assigns of such Persons to carry on the Trade during the Remainder of the unexpired Term of such Licences: Persons trading in Partnership in One House, shall not be obliged to take out more than One Licence; but no Licence shall authorise the Sale of Wine, &c. in any other House than that for which it was granted.

Nothing herein shall prejudice the Privileges of the Two Universities in *England*; nor the Vintners Company of *London*; nor any City or Town Corporate; but the

p. 726. Freemen of the Vintners Company by Redemption, shall not be exempted from taking out Licences.

The Privilege of the Corporation of *St. Alban's* of licensing Three Wine Taverns, towards the Maintenance of the Free School there, shall not be affected by this Act.

No Licence shall be granted but to such

Persons as might have Licences before the p. 727. passing of this Act.

Every Person who shall sell any Foreign Wine in a less Quantity than shall be equal to the Quantity in which it may be lawfully imported, shall be deemed a Retailer of that Article; and every Person who shall sell any *British*-made Wine in the Quantity of 25 Gallons, or under, shall be deemed a Retailer of that Commodity; and every Person who shall sell any Spirits in any less Quantity than Two Gallons, shall be deemed a Retailer of Spirits.

All Penalties imposed by this Act shall be recovered or mitigated in the Manner Penalties may be recovered or mitigated by any Law of Excise, or by Action of Debt, &c. in any Court of Record at *Westminster*, or in the Court of Exchequer in *Scotland*; and One Moiety of every such Penalty shall be to His Majesty, and the other to the Infomer.

The Monies arising by the Duties aforesaid shall be paid into the Exchequer, and there carried to the Consolidated Fund.

From Oct. 10, 1790, the Acts of 9 *Ann.* Cap. 23; 30 *Geo.* II, Cap. 29; 31 *Geo.* II, Cap. 31; and 26 *Geo.* III, Cap. 74, as far as they authorise the Commissioners of Stamps to grant Licences to sell Wines; and 16 *Geo.* II, Cap. 8; 24 *Geo.* II, Cap. 40; and 27 *Geo.* III, Cap. 30, as far as they authorise Commissioners of Excise to p. 729. grant Licences, shall be repealed.

The Powers and Regulations of former Acts relating to the retailing of Wine or Spirits, not being repugnant to this Act, shall be applied in securing the Duties hereby granted.

The Powers, &c. of 12 *Car.* II, Cap. 24, p. 730. or any other Law now in Force relating to the Excise, which are provided for managing and levying the Duties thereby granted, (except where other Penalties or Provisions are prescribed by this Act), shall be put in Execution for managing and levying the Duties hereby imposed.

An ABSTRACT of an Act for making Allowances to Distillers of Low Wines and Spirits from Malt, Corn, or Grain, in *Scotland*, in respect of the Duties imposed by an Act made in the Twenty-fourth Year of the Reign of His present Majesty.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XXXIX.

- p. 735. THE Preamble states, That by 24 Geo. III, Cap. 46, *To discontinue, for a limited Time, the Payment of the Duties upon Low Wines and Spirits for Home Consumption, and for granting and securing the due Payment of other Duties in Lieu thereof, &c.* the Duties granted on Low Wines and Spirits for Home Consumption, by any Act then in Force, were discontinued for Two Years, from Nov. 1, 1784, and other lower Duties were substituted: That by 25 Geo. III, Cap. 73, the Commissioners of Excise in *England* and *Scotland*, where the said Duties were charged within the Limits of the Chief Offices, were directed to allow to the Distillers, in respect thereof, after the Rate of 22*l.* for every 250 Gallons of Spirits made from Malt; and in Parts without those Limits, any Two Justices for the Place within which such Duties were charged, were authorized to order the Collector of
- the Duties to allow such Distillers after the Rate of 22*l.* for every 250 Gallons of Spirits, according to the Stock of the Distiller as taken by the Officers between Oct. 24, 1784, and the Commencement of the First recited Act: That between Oct. 22, and Nov. 2, 1784, certain Distillers in *Scotland* were possessed of large Quantities of Spirits distilled there, which had been regularly permitted from thence to *London*; and that no Provision is made by the last recited Act for any Allowance to be made for such Spirits: It is therefore enacted, That the Commissioners of Excise in *Scotland*, with the Approbation of the Treasury, may pay to the Distillers in *Scotland*, who had in their Possession, between Oct. 22, and Nov. 2, 1784, Spirits which had been regularly permitted to *London*, 8,200*l.* if Application be made to the Treasury before July 5, 1790.

An ABSTRACT of an Act to explain and amend an Act, made in the last Session of Parliament, intituled, *An Act for repealing the Duties on Tobacco and Snuff, and for granting new Duties in lieu thereof.*

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XL.

- p. 743. THE Preamble recites 29 Geo. III, Cap. 68, which imposes for every Pound of Tobacco, of the Growth of the Dominions of *Spain* or *Portugal*, imported, a Custom Duty of 1*s.* 6*d.* and an Excise Duty of 2*s.*; and for every Pound thereof delivered out of the Warehouse for Exportation, a Duty of Customs of 1*d.* and an Excise Duty of 2*d.*: It is enacted, That only the Duties of 1*d.* and 2*d.* per Pound, imposed



imposed by the recited Act, shall be paid for *Spanish or Portugal Tobacco*, delivered for Exportation from the King's Warehouse.

If a Difference between the Weight of Tobacco taken upon its Deposit in the Warehouse, and the Weight taken at its Delivery, shall appear to have arisen from Shrinkage, the Duties shall be paid according to its Weight when delivered out of the Warehouse.

p. 745. No Tobacco or Snuff shall be imported from Foreign Parts, otherwise than in Casks, each of which to contain 450 lb. Nett, except as provided by the recited Act, on Pain of Forfeiture thereof.

No Tobacco (except Tobacco of the Growth of the Plantations of *Spain or Portugal*, and also except Snuff) shall be imported, either wholly or in Part manufactured, on Pain of Forfeiture, with the Vessel importing it.

Tobacco imported on or before Oct. 10, 1789, and remaining in the King's Warehouses on July 5, 1790, shall be deemed Tobacco imported since Oct. 10, 1789, and shall be subject to the new Duties and Regulations accordingly.

p. 746. The Commissioners of the Customs and Excise may cause damaged or mean Tobacco, for which the Proprietor refuses Payment of the Duties, to be burnt at the End of Three Days after such Refusal, if the Proprietor during that Time neglects to pack it into Packages, containing not less than 750 lb. each.

Clause of recited Act which prohibits the manufacturing of Tobacco, &c. out of the Limits of the Excise Office in London, except the Places there specified, shall be repealed.

p. 747. No Manufactory of Tobacco or Snuff shall be set up in any Place which shall be less than Five Miles from the Sea Coast (except in the Places into which Tobacco may be imported, and except in any Place within Three Miles thereof, and also except in Cities and Market Towns); and every Person manufacturing Tobacco or Snuff in any Place which shall be less than Five Miles from the Sea Coast, except in Places hereinbefore excepted, shall, notwithstanding any Entry, be deemed a Manufacturer without Entry, and be subject to the Penalties imposed by the recited Act; but this Regulation shall not extend to Places duly entered at the Excise Office before July 5, 1789.

Snuff Work may be manufactured into Rappee, Scotch, or Brown Scotch Snuff, though contrary to the Declaration delivered to the Officer:

But the Manufacturer shall give to the proper Officer, whilst such Snuff Work is in Cask, a previous Notice of his Intention to manufacture it different from his former

Declaration, and shall specify the Casks, and the Time when the Snuff Work was laid down, and for what Purpose it was first laid; and shall also, within 48 Hours, deliver to the Officer a fresh Declaration, specifying the Weight of the Tobacco, &c. laid down, and how much thereof is intended to be made into Rappee Snuff, Scotch Snuff, or Brown Scotch Snuff, and shall proceed without Delay to manufacture it, according to the last Declaration.

The Manufacturer of Snuff may add to any Parcel of Snuff Work in Operation (Once while laid down in Cask, or Once immediately before or in the grinding thereof, or Once at or during each of these Operations) any Quantity of Tobacco, Tobacco Stalks, Tobacco Stalk Flour, and Returns of Tobacco, on his giving to the proper Officer a like Notice in Writing as herein is directed, of his Intention, specifying the Casks in which the Snuff Work shall then be, or from out of which it has been taken, and the Time when it was first laid down, and also the Time when any Increase was made, and the Weights of the Tobacco, &c. intended to be added: p. 750.

But the Manufacturer, giving such Notice, shall, on the Officer's Attendance, which must be within One Hour after the Time specified therein, weigh separately all such Tobacco, &c. as shall be intended to be added to the Snuff Work, and shall deliver to the Officer who shall have taken an Account thereof at the Weighing, a Declaration in Writing, specifying the Weights of the Articles intended to be added to the Snuff Work, and also the Weights of those before laid down or added thereto, and how much thereof is Snuff Work for Rappee, Scotch, or Brown Scotch, and the Time when such Snuff Work was laid down, and also the Time when any Increase was made.

The Whole of any Parcel of Snuff Work in Cure may be mixed with the Whole of any other Parcel in Cure, though laid down at different Times, if mixed in the Presence of an Officer, to whom a Notice and Declaration of the Particulars shall be given as aforesaid. p. 751

To supply Customers with manufactured Tobacco or Snuff, not less than 200 lb. may be taken from Tobacco or Snuff in Operation, upon giving Notice to the Officer, in which shall be specified the Weight intended to be taken, the Time when the Article was weighed to be put in Operation, and its Weight, or the Time when the Snuff Work was declared to be laid down, and the Weights of the Articles laid down therein, and the Manufacturer shall, on the Officer's Attendance pursuant to Notice, weigh all such manufactured Tobacco or Snuff so taken, and

and deliver to him a Declaration, specifying its Weight, and the Weight of the Parcel from whence it is taken, at the Time when put in Operation: But if any Manufacturer shall take any Tobacco or Snuff from any particular Parcel in Operation, without giving Notice, he shall forfeit 50 l.

p. 753.

*British Rappee, Scotch, or Brown Scotch Snuff*, when completely finished, and an Account taken by the Officers, may be liquored before it is mixed with Snuff of a different Making, so as the Weight of the Snuff so liquored shall not exceed the legal Credit.

The Manufacturer intending to liquor Snuff, for which the greatest Extent of Credit has not been received, shall give Notice to the Officer of his Intention, specifying the Kinds and Weight of each Kind of Snuff to be liquored, and how much it fell short of the legal Credit when the Account was first taken; and he shall, on the Officer's Attendance, weigh the Snuff; and after being liquored, shall immediately reweigh it, and if it shall not, by means of such liquoring, have increased in Weight more than it fell short of the greatest Extent of Credit, then such Snuff shall, notwithstanding an Increase of Weight, be deemed a fair Commodity.

p. 754.

But no Snuff shall be liquored in less Parcels than 200 lb. nor in more than Four different Parcels of One Making.

Snuff, on which any such Allowance shall be made, shall be kept separate from all other Snuff, and shall be shewn the proper Officer when he desires it, and the Manufacturer shall declare at what Time the Allowance was made, and also the Amount thereof, on Penalty of 20 l.

p. 755.

*Scotch Snuff and Tobacco Stalk Flour* may be manufactured into *Brown Scotch Snuff*, and *Tobacco Stalk Flour* into *Rappee Snuff*, under the Regulations prescribed by this and the recited Act.

In taking the Stock of every Manufacturer who shall have manufactured *Scotch Snuff* with *Tobacco Stalk Flour* into *Brown Scotch*, or any *Tobacco Stalk Flour* into *Rappee*, or shall have added *Tobacco Stalk Flour* to his Snuff Work for *Rappee, Scotch or Brown Scotch Snuff*, he shall have a Credit according to the following Proportions; (*viz.*),

For every 100 lb. of *Scotch Snuff* manufactured with *Tobacco Stalk Flour* for *Brown Scotch Snuff*, there shall be allowed a Credit, not exceeding 142 lb. of *Brown Scotch*:

p. 756.

For every 100 lb. of *Tobacco Stalk Flour* manufactured with *Scotch Snuff*, for *Brown Scotch Snuff*, there shall be allowed a Credit, not exceeding 133 lb. of *Brown Scotch*:

For every 100 lb. of *Tobacco Stalk Flour*

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manufactured for *Rappee*, or added to the Snuff Work for that Article, there shall be allowed a Credit, not exceeding 128 lb. of such *Rappee Snuff*:

For every 100 lb. of *Tobacco Stalk Flour* manufactured for *Brown Scotch*, or added to the Snuff Work for that Article, there shall be allowed a Credit, not exceeding 133 lb. of such *Brown Scotch*.

p. 751.

If any Excess shall be found in the Stock of any Manufacturer above the Credit aforesaid, the Snuff so found in Excess shall be forfeited.

p. 757.

The Siftings of Second Dressings of Short Cut and Shag Tobacco, and Returns of Snuff, shall be deemed Returns of Tobacco.

The Manufacturers of Tobacco may keep and use Dye for staining that Commodity.

So much of a Clause in the recited Act as provides that the Manufacturer, who shall have finished Tobacco, or dried Snuff Work, at the Mill, shall not be entitled to a Permit for the Removal of any greater Quantity than its Weight when finished, shall be repealed; and the proper Officer shall grant Permits for the Removal of the original Quantity, subject nevertheless to all the other Regulations in this or the recited Act prescribed for the Removal of Tobacco or Snuff from the Mill.

p. 758.

Permits may be granted for the Removal of any unmanufactured Tobacco, in any Quantity not less than 200 lb. and in any Package, from the entered Premises of the Manufacturer to the Mill.

Every Manufacturer carrying on Business out of the Limits of the Weekly Bills of Mortality, or the Excise Office in London, or any of the Ports of Importation in the recited Act enumerated, or within Two Miles thereof, may remove, by Permit, any Tobacco Stalks arisen and stripped from the Leaf at his entered Premises, to any Place within those Limits, if he has not received, at the Time of requesting a Permit for such Removal, any other Tobacco Stalks, whereof the proper Officer has not taken an Account.

p. 759.

Tobacco, &c. may be manufactured at any entered Mill, and be removed for that Purpose by Permit: But every Request Note for such Permit shall express the Reason for the Removal of the Tobacco, &c. and the particular Process of Manufacture to be performed thereon at the Mill.

No Permit shall be illegal for the Removal of any Tobacco, &c. from the Mill where the same shall have been manufactured back to the Premises of the Manufacturer, by Reason of any Operation at the Mill.

p. 760.

No Permit shall be granted for the Removal of any Snuff Work, except from the entered

p. 767.

p. 768.

entered Premises of the Manufacturer, where it was laid down, to the Mill, for the Purpose of being ground into Snuff; and if any Snuff Work shall be removed contrary hereto, it shall be forfeited, and also the Horses and Carriages used in the Removal.

*p. 761.* The Manufacturer shall give to the proper Officer, previous to his beginning any Operation, Six Hours Notice, if his Premises are situate within the Limits of the Excise Office in *London* or *Edinburgh*; 12 Hours Notice if they are situate in any City or Market Town; and 24 Hours Notice if situate in any other Part of *Great Britain*, of his Intention so to do, and shall specify the Hour

he means to begin; and if the Operation be not begun in an Hour after the specified Time, a fresh Notice shall be given.

All Penalties imposed by this Act shall be recovered or mitigated by such Ways as any Penalty may be recovered or mitigated by any Law of Customs or Excise, or by Action of Debt, &c. in any Court of Record at *Westminster*, or in the Court of Exchequer in *Scotland*, and One Moiety thereof shall be to His Majesty, and the other to the Informer.

This Act shall commence from *July 5, p. 763. 1790.*

An ABSTRACT of an Act for laying a Duty on the Importation, from any of the Provinces in *North America*, of Rape Seed, and all other Seeds used for extracting Oil; and for allowing the Importation from the said Provinces of Rape Cakes, or Cakes made of Rape Seed used for Manure, Duty-free.

*Anno tricesimo* GEORGII III. *Regis.*

## C A P. XLI.

*p. 767.* THE Preamble recites 15 *Geo. III.* Cap. 34. For encouraging the Manufactures of Rape Oil, and other Vegetable Oils, in this Kingdom, &c.; and 27 *Geo. III.* Cap. 13. For repealing the several Duties of Customs and Excise, and granting other Duties in lieu thereof, &c.; by which Acts, Rape Seed, and all other Seeds from which Oil is extracted, being the Growth of *Ireland*, are allowed to be imported from thence on Payment of the Duty of 1 s. the Last, whenever the Prices of middling *British* Rape Seed shall be at or above 17 l. 10 s. per Last: That by the last-recited Act Rape Cakes may be imported from *Ireland* Duty-free: And that it is expedient to permit the Importation of such Seeds, and also Rape Cakes, from His Majesty's Colonies in *North America*, in like Manner as such Seeds are allowed to be imported from *Ireland*; it is therefore enacted,

That from *July 5, 1790*, any Person may import in a *British*-built Ship, owned and navigated according to Law, from the *British* Colonies in *North America*, Rape Seed, and all other Seeds used for the Purpose of extracting Oil, being the Growth of those Colonies, on Payment of the Duty of 1 s. per Last, when the Price of middling *British* Rape Seed shall be at or above 17 l. 10 s. per Last, under the same Conditions as such Seeds are now allowed to be imported from *Ireland*, and also Rape Cakes used for Manure, Duty-free.

Rape Seed from *Ireland*, or the said Colonies, may be imported without Payment of Duty, and lodged in Warehouses under the joint Locks of the King and the Importer, and under such Regulations as Corn is permitted to be imported and warehoused, by 13 *Geo. III.* Cap. 43.

*p. 768.*

An A B S T R A C T of an Act to continue, for a limited Time, certain Provisions contained in an Act, made in this present Session of Parliament, intituled, *An Act for indemnifying all Persons who have been concerned in advising or carrying into Execution certain Orders of Council respecting the Importation and Exportation of Corn and Grain, and also certain Orders issued by the Governor General of His Majesty's Colonies in America; and for preventing Suits in consequence of the same; and for making further Provisions relative thereto*, relating to the Importation and Exportation of Corn and Grain; and to authorise His Majesty to permit the Exportation of Corn, Grain, Meal, or Flour, and to prohibit the Importation thereof on the low Duties.

*Anno tricesimo* GEORGII III. *Regis.*

## C A P. XLII.

- p. 771. **T**HE Preamble recites an Act of this Session, Cap. 1, *For indemnifying all Persons who have been concerned in advising or carrying into Execution certain Orders of Council respecting the Importation and Exportation of Corn and Grain, &c.* which was to continue in Force until Sept. 29, 1790: And that it is expedient to continue certain Provisions contained therein; it is therefore enacted,
- p. 772. That so much of the recited Act as relates to the Importation or Exportation of Corn and Grain, shall continue in Force till Feb. 28, 1791.
- His Majesty, with the Advice of the Privy Council, may permit, for a limited Time, the Exportation from Great Britain of Wheat, Wheat-flour, Biscuit, Rye, Rye-meal, Barley, Barley-meal, Oats, Oatmeal, Pease or Beans; and in like Manner may prohibit the Importation, on the low Duties, of those Articles; and if any Person shall export or import the same, contrary to such Permission or Prohibition, he shall be subject to the like Penalties; and the Commodity, and the Vessel exporting or importing it, shall be subject to the like Forfeitures, as if the Article was exported or imported contrary to Act of Parliament.

p. 775.

p. 776.

p. 783.

p. 784.

An ABSTRACT of an Act to authorise the Commissioners of the Customs to defray Charges on Seizures out of His Majesty's Share of Seizures in general.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XLIII.

- p. 775. **T**HE Preamble states, That by several Acts the Commissioners of the Customs are impowered to cause all Vessels and Goods, condemned according to Law, to be sold, burnt, or otherwise destroyed: That the Officers seizing such Goods are intitled to certain Allowances arising out of the Nett Produce of the Seizures, after deducting the Charges, and to certain other Allowances where the Seizures are destroyed: That in Cases where the Thing seized is liable to be destroyed, or where the Produce arising from the Sale of any Seizure shall not be sufficient to answer the Expence of Prosecution; or if a Verdict shall be given for the Claimant, or the Seizure shall not be condemned, the Commissioners of the Customs are impowered to order the Charges attending such Seizures to be paid out of His Majesty's Share of Forfeitures: And that in order to encourage the Officers of the Customs to be vigilant in the Exertion of their Duty, it is expedient to extend the Provisions of those Laws; it is therefore enacted, p. 777. That the Commissioners of the Customs may order the Whole of the Expence attending Seizures, whether condemned or not, or whether the Produce arising from the Sale shall be sufficient to answer the Expence, to be paid out of His Majesty's Share of Forfeitures; and the Officers who shall have made the Seizures shall be allowed their Proportion of the Nett Produce arising by the Sale, without Abatement, and the Residue of the Produce shall be applied as heretofore.
- p. 776. That the Commissioners of the Customs may order the Whole of the Expence attending Seizures, whether condemned or not, or whether the Produce arising from the Sale shall be sufficient to answer the Expence, to be paid out of His Majesty's Share of Forfeitures; and the Officers who shall have made the Seizures shall be allowed their Proportion of the Nett Produce arising by the Sale, without Abatement, and the Residue of the Produce shall be applied as heretofore.

An ABSTRACT of an Act to enable His Majesty to settle a certain Annuity on the Reverend *Francis Willis* Doctor of Physick.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XLIV.

- p. 783. **T**O enable His Majesty to confer a special Mark of Favour on the Rev. *Francis Willis*, it is enacted, That His Majesty may grant to the Rev. *Francis Willis*, his Executors, &c. an Annuity of 1,000*l.* for 21 Years, to be paid out of the Civil List Revenues, and to commence from such Time as His Majesty shall think proper.
- p. 784. The Annuity shall not be charged with any Tax or Fee whatever.

An ABSTRACT of an Act for converting certain Annuities, to be attended with the Benefit of Survivorship in Classes, established by an Act of the last Session of Parliament, into certain Annuities for an absolute Term of Years; and for enabling the Commissioners of the Treasury to nominate Lives for the Shares so converted.

*Anno tricesimo* GEORGII III. Regis.

## C A P. XLV.

- p. 787.* **T**HE Preamble recites the Tontine Act of 29 Geo. III, Cap. 41, by which the Contributors are at Liberty, for every 100*l.* 5*s.* paid, to name the Life of a Person at any Time on or before *Oct.* 10, 1790, and will then become intitled, during the Life of the Nominee, to an Annuity, to be attended with the Benefit of Survivorship in Classes, in Manner in the recited Act mentioned: And that the Contributors are or may be willing to have their Interests converted into certain Annuities; it is therefore enacted, That every Person entitled to any Life Annuity, with Benefit of Survivorship, as in the said Act is granted, and possessed of a Certificate in pursuance thereof, may, at any Time on or before *Sept.* 20, 1790, carry his Certificate to the Auditor of the Exchequer, to be exchanged for another; and shall, by Indorsement on such Certificate, elect to have his Interest in any Life Annuity, with Benefit of Survivorship, converted into an Annuity for a certain Term; and the Auditor shall, on the Receipt of any such Certificate, after computing the Interest to *Oct.* 10, 1790, give a Receipt for it, and file it; and he shall, in lieu thereof, cause a distinct Certificate to be given; and the Person possessing it shall, on Delivery thereof to the Bank, be intitled to an Annuity of 4*l.* 5*s.* for every 100*l.* 5*s.* expressed in the Certificate, to commence from *Oct.* 10, 1790, and to continue for 69 Years and One Quarter; which Annuity shall be payable half-yearly; (*viz.*), on *April* 5, and *Oct.* 10, the First Payment to be made on *April* 5, 1791, and the Quarter's Annuity shall be paid on the Day in which it becomes due.
- p. 788.* Books shall be provided at the Bank, in which the Names of the Persons delivering in Certificates, and the principal Sums contained therein, shall be entered, which Books all Persons interested may inspect without Fee; and a Duplicate thereof shall be sent to the Exchequer by the Accountant General on or before *April* 5, 1791.
- p. 791.* The principal Sums expressed in the Certificates so delivered to the Bank, shall be placed to the Credit of the Persons converting their Annuities, which shall be deemed transferrable Stock.
- p. 792.* The converted Annuities shall be payable and transferrable at the Bank; and shall be free from all Taxes; and the same shall be chargeable on the Consolidated Fund.
- p. 793.* The Contributors to the Tontine who shall have had the Interest to become due on *Oct.* 10, 1790, computed by the Cashier of the Bank, shall be intitled to receive it at the Exchequer.
- The Treasury shall order the Money for Payment of the Annuities to be issued at the Exchequer to the Cashiers of the Bank, who shall pay the same accordingly.
- The Accountant General of the Bank shall examine the Cashiers Accounts; and the Annuities shall be deemed Personal Estate.
- Books shall be kept at the Bank, wherein all Transfers of Annuities shall be entered; which Entry shall be signed by the Parties making such Transfers, or their Attornies.
- p. 794.* Annuities may be bequeathed by Will, but no Payment shall be made thereon until that Part of the Will which relates to such Annuities be entered at the Bank; and in Default of such Devise, they shall go to the Executors, &c.; and no Stamp Duty shall be charged on the Transfers.
- From *Oct.* 10, 1790, the Annuities hereby granted shall be added to the Joint Stock of



p. 795. of Annuities granted by Two Acts of 1 and 2 Geo. III; and which were afterwards consolidated with other Annuities, by several Acts made in 4, 20, 22, 23, and 24 Geo. III.

p. 796. The Auditor of the Exchequer shall, on or immediately after Sept. 20, 1790, certify to the Treasury the Number of Certificates which shall be filed as aforesaid; and the Shares of the Life Annuities, converted into Annuities for Years; and the Treasury shall, for every 100 l. 5 s. contained in such Certificates, name the Life of some Person by Oct. 10, 1790; during which Lives there shall be reserved at the Exchequer, to the Use of the Publick, the like Annuities, with the Benefit of Survivorship in Classes, as the Contributors in the same Classes would be intitled to by the recited Act; which Annuities so reserved shall be carried to the Consolidated Fund, towards satisfying the converted Annuities.

p. 797. The Treasury shall, out of the following Orders of Persons, select so many Nominees as shall be necessary; (viz.), Peers of Great Britain or Ireland, or their Children or Grand Children; Baronets of England or Scotland; Lords of Manors in England or Wales, or Justices of the Peace for any County in England or Wales, or their Children; Spiritual Persons promoted to any Bishoprick, Deanry, Archdeaconry, Prebend, or other Dignity in the Church, or beneficed with any Parsonage, Vicarage, or Donative in England, or a Fellowship in any College or Hall at Oxford or Cambridge; Governors of the Charter House, Governors and Guardians of the Foundling Hospital, or the President, Treasurer, or Governors of Christ's Hospital; Persons duly registered in the Books of The Amicable Society for Insurance on Lives in Serjeant's Inn, Fleet Street; and the Persons appointed by the Treasury, out of the above Orders, shall be deemed Nominees, during whose Lives there shall be reserved, for the Use of the Publick, Annuities to be attended with Benefit of Survivorship, after the Rates, and at the Times in the recited Act mentioned.

p. 798. Before such Nominees shall be entered in the Auditor's Book, the Treasury shall deliver to him a Copy of the Register of the Birth of every Nominee, and also a Certificate from the Minister of the Parish where the Register is kept, or the Churchwarden or Overseers, or Two principal Inhabitants there, attesting its Veracity; and likewise a Certificate, attested in like Manner, of the Name, and Place of Abode, of every Nominee; and in case any Nominee shall be registered in the Books of the Amicable Society, the Treasury shall also deliver to the Auditor a Certificate from Two of the Di-

rectors or Governors of that Society, certifying the Name, Place of Abode, and Age of every such Nominee, with other apt Descriptions; and any Appointment of a Nominee in Writing by the Treasury, shall be a sufficient Warrant for admitting the Person so appointed into the proper Class of Nominees according to the Directions of the recited Act.

p. 799. The Treasury shall, half-yearly, transmit a List of Nominees to the several Parishes where they reside, and also to the Directors or Governors of the Amicable Society a List of all such Nominees registered in their Books; and the Ministers and Officers, &c. to whom such List shall be transmitted, shall half-yearly, (viz.) before April 5, and Oct. 10, return to the Treasury a Certificate, certifying the Lives of the Nominees existing, and the Deaths of such Nominees which shall have come to their Knowledge, or of the Removal of any Nominees; and the Certificates certifying the Lives of Nominees, being filed at the Exchequer, shall be a sufficient Warrant for reserving, to the Use of the Publick, the half-yearly Payments on the Lives of Nominees so certified. p. 800.

If Nominees be in the Army, a Certificate of the Commanding Officer; if in the Navy, a Certificate from the Admiralty; and if resident at either of the Universities, or at any Seminary of Learning, a like Certificate from the Principal Rector, Warden, or Master of the College, &c. in which they are resident, shall, on Production, be a sufficient Warrant for reserving half-yearly Payments in respect of such Nominees.

p. 801. The Auditor of the Exchequer shall, on or immediately after Sept. 20, 1790, certify to the Treasury the Number of Persons which shall have been appointed Nominees, with their Names, and the Classes in which they are to be placed, and the Number of Shares depending on the Lives of all the Nominees of each Class; and the Treasury shall distribute their Nominees in the several Classes in Proportion to the Nominees of the Contributors.

The Names of the Persons whose Ages and Places of Abode shall be ascertained by the Treasury by Sept. 20, 1790, shall be distributed into Six Classes, as directed by the recited Act, written on distinct Pieces of Paper, put into Six Boxes on some Day between Sept. 20, and Oct. 10, 1790, (whereof Notice shall be given in the Gazette), and shall, in the Presence of the Commissioners of the Treasury, and the Deputy Governor of the Bank, be publicly drawn out of the Six Boxes in their Order, until a sufficient Number of Names in each Class shall be drawn to fill up the Proportion of Nominees appointed on the Part of the Publick. p. 802.

The Treasury shall appoint no Nominee for the Publick, other than a resident Native of Great Britain.

In the Account to be made up half-yearly in the Auditor's Office, of the Deaths of Nominees, and of the Persons who have made Default in their Annuities, and also in the List to be published yearly in pursuance of the recited Act, the Auditor shall keep separate the Nominees appointed by the Treasury, and those by the Contributors, with the Annuities to be reserved and payable.

The Treasury may make reasonable Allowances for the Labour of the Officers of the Bank, in executing this Act, and defray other Expences attending it, out of the Consolidated Fund; which Allowances to the Bank Officers shall be at the Disposal of the Governor and Company.

No Fee shall be taken for converting the Life Annuities into Annuities for a Term of Years, or for any Transfer of any Sum to be made in pursuance of this Act, on Penalty of 20*l.* to the Party aggrieved, with Costs of Suit, to be recovered by Action of Debt, &c. in any Court at Westminster.

If any Person shall forge or alter the Indorsement of any Certificate made out by the Cashier of the Bank, or any Receipt to be given, or any Certificate made out by the Auditor of the Exchequer; or shall deliver to the Bank any such forged or altered Certificate with a fraudulent Intent; or shall forge or counterfeit any Instrument to transfer any Sum placed to the Credit of any Person in the Books of the Bank, or to receive any Annuity, or shall fraudulently demand any such principal Sum, or Annuity, or shall personate any Proprietor thereof with a fraudulent Intent; or shall counterfeit or alter any Register of the Birth of any Nominee, or any Certificate; in every such Case, the Person offending, being lawfully convicted, shall suffer Death.

If any Person shall be prosecuted for any Thing done in pursuance of this Act, he may plead the General Issue, and give the Special Matter in Evidence; and if a Verdict pass for the Defendant, or the Plaintiff shall discontinue his Action, &c. such Defendant shall have Treble Costs.

An ABSTRACT of an Act for settling and securing a certain Annuity for the Use of the Heirs and Descendants of *William Penn* Esquire, the original Proprietor of the Province of *Pennsylvania*, in Consideration of the meritorious Services of the said *William Penn*, and of the Losses which His Family have sustained in consequence of the unhappy Dissentions in *America*.

Anno tricesimo GEORGII III. Regis.

# C A P. XLVI.

THE Preamble states, That *K. Charles II.*, by His Letters Patent, granted to *William Penn* Esq. his Heirs and Assigns, the Province of *Pennsylvania*: That by several Deeds the Estates comprized in that Patent became vested in *John Penn* of *Stoke Pogis* in *Buck.* Esq. and *John Penn* of *Wimpole Street* in *Middlesex.* Esq. (who are both Grandsons of *William Penn*), and their De-

scendants, in the following Shares; (*viz.*), Three Fourth Parts were vested in *John Penn* of *Stoke Pogis*, and the remaining Fourth was vested in *John Penn* of *Wimpole Street*: That by an Act of the State of *Pennsylvania*, passed on Nov. 27, 1779, the said Estates were vested in that Commonwealth; and 130,000*l.* were directed to be paid to the Devisees of *Thomas Penn* and *Richard Penn*, Esqrs.

Esqrs. then late Proprietaries of *Pennsylvania*,  
 p. 813. and to the Widow of the said *Thomas Penn*,  
 in such Proportions as should thereafter be  
 deemed equitable: That, in consideration of  
 the Losses above recited, and of the meri-  
 torious Services of *William Penn*, it is ne-  
 cessary that a further Provision should be  
 made for his Descendants; it is therefore  
 enacted, That an Annuity of 4,000 *l.* shall  
 be payable quarterly out of the Consoli-  
 dated Fund, clear of all Taxes, to *William*  
 p. 814. *Baker* of *Bayfordbury* in *Hertfordshire*, Esq.  
 and *Andrew Allen* of *Charles Street Berkley*  
*Square*, in *Middlesex*, Esq. their Heirs and  
 Assigns, on Trust, that they convey the  
 same in Manner herein-after mentioned, as a  
 further Compensation for the Losses which  
*John Penn* of *Stoke Pogis*, and *John Penn* of  
*Wimpole Street*, and those in Remainder after  
 them, may have sustained in consequence of  
 the late unhappy Dissentions in *America*;  
 which Annuity shall commence from Jan. 5,  
 1790, and be payable at the Four usual  
 Terms; (viz.) April 5, July 5, Oct. 10, and  
 Jan. 5; the First Payment to be deemed to  
 have become due on April 5, 1790.

The Treasury may, by Warrant, direct  
 the Auditor of the Exchequer to make forth  
 p. 815. Debentures for the said Annuity without  
 any Fee.

Such Warrant shall not be determinable on  
 the Demise of His Majesty, or on the Death  
 or Removal of any Commissioners.

The Officers of the Treasury and Exche-  
 quer shall do every Thing necessary in Re-  
 lation to the Payment of the Annuity with-  
 out any Fee.

p. 816. The Trustees shall, with all convenient

Speed, by such Deeds as the Attorney and  
 Solicitor General shall approve, convey an  
 Annuity of 3,000 *l.* Part of the said Annuity  
 of 4,000 *l.* to *John Penn* of *Stoke Pogis*; and  
 an Annuity of 1,000 *l.* the Remainder there-  
 of, to *John Penn* of *Wimpole Street*; with  
 such Limitations to their respective Issue,  
 and others, in Remainder, and subject to  
 such Powers as the Province of *Pennsylvania*  
 stood settled, under any Deed, at the Time  
 of the passing of the Act of the State herein-  
 before mentioned.

In the mean Time the Trustees shall re- p. 817a  
 ceive the Annuity, and pay it to the Parties  
 entitled thereto.

The Receipts of the Trustees shall be a  
 sufficient Discharge for Payment of the An-  
 nuity; and in case any of the Officers of the  
 Exchequer shall neglect to pay it, the Trus-  
 tees, and the Persons intitled to receive it,  
 may prosecute them by Action of Debt, &c.

The Annuity shall be considered as real p. 818a  
 Property, and shall be inheritable and trans-  
 ferable in the same Manner as Land in  
*Middlesex*; and all Estates Tail, to be here-  
 after created of that Annuity, shall be bar-  
 rable by Fine or Recovery, duly levied in  
 His Majesty's Court of Common Pleas.

The Conveyance to be made by the Trus-  
 tees shall be inrolled in the Court of Chan-  
 cery; and also shall, with all other Convey-  
 ances which shall be made at any Time  
 hereafter of the said Annuity, be entered in  
 the Auditor's Office at the Exchequer.

This shall be deemed a Publick Act.

The Trustees shall be answerable for their  
 own Acts only; and they may reimburse  
 themselves their necessary Expenses.

An ABSTRACT of an Act for enabling His Majesty  
 to authorise His Governor or Lieutenant Governor of  
 such Places beyond the Seas, to which Felons or other  
 Offenders may be transported, to remit the Sentences of  
 such Offenders.

Anno tricesimo GEORGII III. Regis.

C A P. XLVII.

p. 813. THE Preamble sets forth, That by 24  
 Geo. III, Cap. 56. For the effectual  
 Transportation of Felons and other Offenders,  
 &c. His Majesty hath appointed, that the  
 E e

Eastern Coast of *New South Wales*, and the  
 Islands thereto adjacent, should be the Places  
 to which Felons should be transported: That  
 several Felons have, in consequence, been  
 conveyed

p. 824. conveyed to that Coast, there to remain during the Terms of their Sentence: And that it would greatly advance the Design of such Sentences if a Power was given to remit or shorten the Term for which such Felons have been, or shall hereafter be transported, in Cases where it shall appear that they are proper Objects of Mercy; it is therefore enacted, That His Majesty, by His Commission under the Great Seal, may authorize the Governor, or the Lieutenant Governor, of *New South Wales*, or of any Place which

He may appoint for Offenders to be transported to, by an Instrument under the Seal of his Government, to remit the Sentences of such Offenders as are transported to such Places.

The Governor shall, by the First Opportunity, transmit to the Secretary of State a Duplicate of every such Instrument, and the Names of the Offenders contained in such Duplicates shall be inserted in the next General Pardon which shall pass under the Great Seal of *Great Britain*.

An ABSTRACT of an Act for discontinuing the Judgement which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgement in lieu thereof.

*Anno tricesimo* GEORGII III. *Regis.*

C A P. XLVIII.

p. 827. **A**S it is expedient that the Judgement required by Law to be given against Women in the Cases of High Treason, or of Petit Treason, should be no longer continued: It is enacted, That from June 5, 1790, the Judgement to be given against Women convicted of High Treason, or Petit Treason, or of procuring Petit Treason, shall not be, that such Women shall be drawn to the Place of Execution, and be there burned to Death; but that such Women, being so convicted, shall be drawn to the Place of Execution, and there hanged.

p. 828. If any Woman shall be convicted of Petit

Treason, she shall be subject to such further Penalties as are specified with respect to Persons convicted of wilful Murder, in Act 25 *Geo. II.*, Cap. 37, *For better preventing the horrid Crime of Murder.*

If, on June 5, 1790, any Woman shall be under Sentence to be burned, His Majesty may, by Warrant under the Hand of One of the Secretaries of State, order her to be hanged.

Women convicted of High Treason, or Petit Treason, shall be liable to the like Forfeitures as heretofore.

An ABSTRACT of an Act to impower Justices, and other Persons, to visit Parish Workhouses or Poor-houses, and examine and certify the State and Condition of the Poor therein to the Quarter Sessions.

*Anno tricesimo* GEORGII III. *Regis.*

## C A P. XLIX.

p. 831. THE Preamble states, That the Laws for regulating Workhouses have been found deficient, especially when the Poor are afflicted with infectious Diseases; it is therefore enacted, That, from Sept. 29, 1790, any Justice of the Peace, or any Physician, Surgeon, or Apothecary, for that Purpose authorized by Warrant of a Justice, or the officiating Clergyman of the Place, duly authorized as aforesaid, may visit any Workhouse within the County wherein such Justice shall have Jurisdiction, to examine into the State of the Poor; and if on any such Visitation the Visitor shall find any Cause of Complaint, he shall certify the Condition of the Poor to the next Quarter Sessions, and shall cause the Overseers of the Poor, or Master of the Workhouse, to be summoned to answer such Complaint; and the Justices, on hearing the Parties, may make such Orders for removing the Cause of Complaint as to them shall seem meet.

If in such Visitation any of the Poor p. 833v should be found afflicted with any contagious Disease, and in Want of Assistance, then, if the Visitor be a Justice, he shall apply to another Justice, and certify to him the Condition of such Poor; or if the Visitation be made by any Person authorized as aforesaid, he shall apply to Two Justices, who shall make such Order for Medical or other Assistance, in such Manner as they think proper, until the next Quarter Sessions; when the Two Justices are to certify the same to the Sessions, who shall make such Order for the further Relief of the Poor as to them shall seem meet; and the Expences of such Relief shall be paid out of the Poor's p. 834v Rate.

But nothing herein shall extend to any Workhouses incorporated or regulated by any special Act of Parliament.

An ABSTRACT of an Act to continue and amend an Act, made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for appointing Commissioners to enquire into the State and Condition of the Woods, Forests, and Land Revenues belonging to the Crown; and to sell or alienate Fee Farm, and other unimproveable Rents.*

Anno tricesimo GEORGII III. Regis.

C A P. L.

p. 839. **T**HE Preamble states, That by 26 Geo. III, Cap. 87, certain Persons were appointed Commissioners for enquiring into the State of the Land Revenues, and  
p. 840. for disposing of the Fee Farm Rents: And that they have made a considerable Progress in the Execution of the Trust vested in them, but have not yet completed it: It is therefore enacted, That Sir Charles Middleton Bart. John Call Esq. and John Fordyce Esq. shall be Commissioners for the several Purposes in the recited Act mentioned.

p. 841. The Commissioners, before they shall be capable of acting, shall take and subscribe an Oath before the Chancellor of the Exchequer, or One of the Barons, to the Effect following; (viz.)

*I A. B. do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the several Powers and Trusts reposed in me by an Act of the Thirtieth Year of the Reign of His Majesty King George the Third, (intituled, An Act to continue an Act, made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, "An Act for appointing Commissioners to enquire into the State and Condition of the Woods, Forests, and Land Revenues, belonging to the Crown; and to sell or alienate Fee Farm, and other unimproveable Rents)," according to the Tenor and Purport of the said Acts.*

*So help me GOD.*

Which Oath shall be filed in the Office of the King's Remembrancer of the said Court.

In all Cases where no Composition shall have been made with the Owners of the Lands, &c. out of which any Rent in Arrear is issuing, or where they shall neglect to

comply with the Terms allowed by the Commissioners, the Sale of such Rent shall not affect the Right of His Majesty to Rents or Arrears prior to such Sale.

And as by the recited Act it is declared, p. 842. That where the Consideration Money contracted to be paid for any Purchase, shall not exceed 10*l.* the Certificate of the Commissioners may be written on Parchment; without any other Stamp Duty than such as shall by Law be required for the Cashiers Receipts: It is enacted, That where the Consideration Money to be paid for Rents, by the Owners of Land out of which they issue, shall not exceed 10*l.* the Conveyance may be on the same Stamp as the Receipt for the Consideration Money.

The Powers granted by the recited Act p. 843. shall continue in Force for the Term hereinafter granted; and shall be applied in Execution of this Act, except where any Alteration shall be hereby made.

The Treasury may issue to the Commissioners 2,000*l.* per Ann. for Payment of the Salaries of the Clerks and Officers by them employed in the Execution of this and the recited Act; and may issue such further Sums as shall be necessary to defray the Expenses of taking Surveys and other contingent Charges.

If any Commissioner shall decline to act, p. 844. or shall die, His Majesty, by Warrant under His Sign Manual, may appoint another in his Stead.

No Commissioner under this Act shall be disqualified from sitting in Parliament.

This Act shall continue in Force from the End of this Session for the Term of 12 Months, and from thence to the End of the then next Session.



An ABSTRACT of an Act for divesting out of the Crown the Reversion in Fee of and in certain Hereditaments, heretofore the Estate of Sir *Roger Strickland* Knight, deceased, in *Catterick* and *Tunstall*, in the County of *York*; and for vesting the same in the several Persons entitled to the said Hereditaments; and for extinguishing and destroying a certain Term of One hundred Years, for which the said Hereditaments were limited in Trust for His late Majesty King *George* the First, His Heirs and Successors.

Anno tricesimo GEORGII III. Regis.

## C A P. LI.

- p. 847. **T**HE Preamble sets forth, That *Mary Brathwait*, by Will dated Feb. 1680, devised her Estates in *Catterick* and *Tunstall*,  
 p. 848. to Sir *Roger Strickland*, and the Heirs Male of his Body, with Remainder to *Robert Strickland*, his Brother, with Remainder to his Sons in Succession, with Remainder to the right Heirs of Sir *Roger Strickland*: That Sir *Roger Strickland*, on the Death of *Mary Brathwait*, became seized of the  
 p. 849. Estates, and was in 1689 attainted of High Treason, and thereby forfeited to the Crown his Right in the said Estates; but having died about 1717, without Issue, his Nephew *Roger Strickland* came into Possession of the said Estates, by virtue of the recited Will; and the Reversion thereof, in Fee, depending  
 p. 850. on the Failure of Issue Male of his Father, *Robert Strickland*, still remained vested in the Crown: That by an Indenture dated July 9, 1718, after reciting the Causes thereof, it was witnessed, That *Nevill Ridley* did convey  
 p. 851. to *Benjamin Pyne* the said Estates for 900  
 p. 852. Years, if the said *Roger Strickland*, and *Man- rock* and *Francis Strickland*, Sons of *Robert*, should so long live, or the Issue Male of their Bodies should exist, on Trust that he should make such Assignments thereof to such Persons, and for such Uses, as they and their Heirs Male should appoint; and in Default of such Appointment to go, according to the Limitations in their Favour contained in the Will of *Mary Brathwait*; and it was further witnessed, That *Nevill Ridley* did make over  
 F f  
 the said Estates to *John Harding*, for the Remainder of the original Term of 1000 Years, in Trust for His Majesty: That *Roger Strickland*, and his Brothers, levied a  
 p. 853. Fine in Hilary Term 1725, and by Indenture dated March 19, in the same Year, declared that such Fines should be to the Use of *Roger Strickland* for Life; and after his Decease subject to the Provisions thereby made, as well for the Jointure of *Catherine Strickland*, his Wife, as for the Portions of their Daughters and younger Sons, and to the Use of his First and other Sons successively, and of the Heirs Male of their Bodies; and the Remainder to his Brothers and their Heirs Male; and afterwards to his Heirs and Assigns: That *Roger Strickland* died about 1753, and his eldest Son *Roger* became entitled to the said Estates, who in Trinity  
 p. 854. Term, in 27 Geo. II, levied a Fine, and, in Michaelmas Term following, suffered a Common Recovery thereof; and by Indentures of Lease and Release, dated May 30 and 31, 1753, it was declared, that the Common Recovery should enure to the Use of *James Shuttleworth* and *William Turner*, on Trust to convey the Estates to the Use of such Persons to whom *Simon Scroope* and *Gerrard Strickland* should think fit to sell them; and as to such Parts of the Estates as should remain unsold, the same should be, after the Decease of *Roger Strickland*, to such Uses as he by any Deed should appoint: That soon after *Simon Scroope* and *Gerrard Strickland*  
 p. 855. agreed

agreed with the Earl of Carlisle, on the Part of Sir Henry Lawson Bart. deceased, for the Sale of Part of the Estate called *Tunstall Farm*, which was conveyed to Edward Southwell Esq. as Trustee for the Earl of Carlisle, and was afterwards conveyed to Sir Henry Lawson and his Heirs: That by Indenture dated Dec. 19, 1760, such Part of the Estates as remained unsold was conveyed to

p. 856. Roger Strickland for Life, and afterwards to James Shuttleworth and William Turner on Trust for such Persons as he should appoint; and in Default of such Appointment, in Trust for his Male Heirs by any Woman he should marry after the Death of Eleanor, his then Wife; and for Default of such Issue, in

p. 857. Trust for his Brothers, &c.; and for Default of Issue Male, then in Trust for his Sisters, as Tenants in Common in Tail: That Roger Strickland died Dec. 23, 1760, without Issue, his Brother Robert died 1778, and his Brother Simon in 1782, both unmarried, by which the Estates devolved on his Sisters and their Issue, viz. Catherine Selby, William Commyns, Patrick Power, Henrietta Carr, Barbara White, and Charlotte Strickland: That by Indentures of Lease and Release dated Feb. 20 and 21, 1783, it was witnessed, That the Estates comprised in the recited Indenture dated May 31, 1753, (except such Parts as were sold by Simon Scroope and Gerrard Strickland), were conveyed to John Hardcastle, to the following Uses; viz. One Sixth Part thereof to each of the following Persons, viz. Henrietta Carr, William Commyns, Patrick Power, Barbara White, Catharine Selby, and Charlotte Strickland, with the last Remainder to the Use of the right Heirs of Roger Strickland: That Henrietta Carr, Thomas Selby and Catherine his Wife, and Charlotte Strickland, in Trinity Term, 24 Geo. III, suffered a Common Recovery of their Three Sixth Parts of the Estates; and did, by Indentures of Lease and Release, dated June 4 and 5, 1784, declare that the Recovery should be to the Uses following; viz. One of the Three Sixth Parts to Henrietta Carr, One to Charlotte Strickland, and the remaining Third Sixth Part to Henrietta Carr and Charlotte Strickland, on Trust, to convey the same to such Persons as by Thomas Selby and Catherine his Wife by any Deed should be lawfully required; and in the

p. 861. mean Time, on Trust for Thomas Selby for Life, and, after his Decease, on Trust for Catherine Selby, her Heirs and Assigns: That William Commyns, Patrick Power, and Barbara White, in Michaelmas Term, 28 Geo. III, suffered a Common Recovery of their Three Sixth Parts of the Estates; and by Indentures of Lease and Release, dated June 26 and 27, 1787, it was declared, that the Recovery should be to the Use of Simon Scroope

the elder, and Simon Scroope the younger, and Miles Stapleton, on Trust that they should sell the said Three Sixth Parts of the Premises, and divide the Purchase Money equally between William Commyns, Patrick Power, and Barbara White, who should in the mean Time receive the Rents: That Mannock Strickland, the Second Son of the first-named Robert Strickland, left Issue Three Sons, viz. Charles, John, and Joseph; of whom John and Joseph are still living: That when the Earl of Carlisle purchased Tunstall Farm, in Trust for Sir Henry Lawson, it was conceived that by the Recovery then suffered, the Reversion in Fee vested in the Crown, upon the Failure of Issue Male of Robert, the Brother of Sir Roger Strickland, would be sufficiently barred: That Thomas Selby and Catherine his Wife, William Commyns, Patrick Power, William Carr and Henrietta his Wife, Barbara White, and Charlotte Strickland, thinking it for their Benefit to sell the Remainder of the said Premises, have advised with Counsel, whether they can make Title to an indefeasible Estate in the same; and the Counsel are of Opinion, that on Failure of Issue Male of the first-named Robert Strickland, the Crown will become intitled to the Possession of the Premises: That Sir John

p. 864. Lawson, who is now in Possession of the Tunstall Farm, Thomas Selby and Catherine his Wife, William Commyns, Patrick Power, William Carr and Henrietta his Wife, Barbara White, and Charlotte Strickland, are well attached to His Majesty's Person and Government; and it having been usual, in Cases thus circumstanced, for the Crown and the Legislature to extend their Favour to loyal Subjects, they have become Petitioners to His Majesty, that He would signify His Consent, that an Act may pass to divest out of the Crown the Reversion of the said Premises, and for vesting the same in such Persons as are herein-after mentioned; and His Majesty having consented thereto, it is enacted, That the Reversion in Fee-simple, exceptant on the Failure of Issue Male of the first named Robert Strickland, of the Estates devised by Mary Brathwait, which, by virtue of the Attainder of Sir Roger Strickland, became forfeited, shall be divested out of the Crown.

The said Reversion shall be vested in the several Persons herein-after named, for the Purposes herein-after expressed, viz. the Tunstall Farm, now in the Possession of Sir John Lawson, to his Use and his Heirs and Assigns for ever, for the Behoof of such other Persons in whom the same may have been vested by any Deed of Settlement, for the Purposes therein mentioned; the Three Sixth Parts of the Premises, comprised in the recited Indenture dated June 5, 1784, to the

the same Uses, and on the same Trusts, as are therein expressed; and the other Three Sixth Parts of the Premises contained in the recited Indenture, dated June 26, 1787, to the Use of *Simon Scroope* the elder, *Simon Scroope* the younger, and *Miles Stapleton*, on the same Trusts which are therein expressed.

The Term of 100 Years in the said Estates assigned by *Nevill Ridley* to *John Harding*, in Trust for His Majesty, shall be extinguished.

Saving to all Persons, Bodies Politick, &c. (except the King), all such Right in the Premises as they had before the making of this Act.

An ABSTRACT of an Act for improving, continuing, and extending the Navigation of the River *Ouse*, from *Lewes Bridge*, at the Town of *Lewes*, to *Hammer Bridge*, in the Parish of *Cuckfield*, and to the Extent of the said Parish of *Cuckfield*, and also of a Branch of the said River, to *Shortbridge*, in the Parish of *Fletching*, in the County of *Sussex*.

Anno tricesimo GEORGII III. Regis.

# C A P. LII.

**T**HE Preamble sets forth, That the improving the Navigation of the *Ouse* through *Lewes*, &c. and extending it from *Barcombe Mill* to *Hammer Bridge*, would be of publick Utility: And that the Persons herein-after named are desirous to improve and complete the same: It is therefore enacted, That *Lord Sheffield*, *Sir Godfrey Webster*, *Sir Peter Burrell*, and *Sir William Burrell*, Barts.; *Sir John Bridger Knight*, *John Allen*, *William Board*, *Edward Snow Boldero*, the Rev. *Timothy Brown*, *Gibbs Crawfurd*, *Edward Cranston*, the Rev. *Henry Chatfield*, the Rev. *John Clutton*, *William Clutton*, *Edward Colbran*, *Thomas Compton*, *Benjamin Comber*, *John Cave*, *Elizabeth Carter*, *Nathaniel Drawbridge*, the Rev. *John Delap D.D.* *Mary Eliot*, the Rev. *Joseph Francis Fearon*, *Ann Firth*, the Rev. *William Gwynne*, *John Grainger*, the Rev. *John Hanley*, *Robert Manners*, *Anthony Merry*, *Camilla Moss*, *William Newnham*, *Joseph Peyton*, *Henry Peckham*, *Francis Sergison*, *Warden Sergison*, *Richard Thomas Streetfield*, *Robert Snow*, *Josias Smith*, *John Tarleton*, *Richard Wyatt*, *Thomas Wyatt*, *Thomas Wakeham*, the Rev. *George Woodward*, *Richard Lemon Whicelo*, and *Henry Weston*, their Successors, &c. shall be incorporated by the Name of *The Company of Proprietors of the River Ouse*

Navigation, and by that Name may sue and be sued, and shall have a Common Seal, and may purchase Lands for the Use of the Navigation, without incurring the Penalties of the Statute of Mortmain; and they may improve the Navigation of the River *Ouse*, from *Lewes Bridge* through the Parishes of *All Saints in Lewes*, *St. John's under the Castle of Lewes*, *St. Thomas in the Cliffe*, *Southmallings*, *Hamsey*, *Ringmer*, and *Barcombe*, to *Barcombe Mill*, and may make a navigable Cut through the Sewer belonging to *Sir John Bridger* to *Offham Chalk Hills*, in *Hamsey*; and may extend the Navigation from *Barcombe Mill*, through the Parishes of *Barcombe*, *Ringmer*, *Isfield*, *Newick*, *Fletching*, *Chailey*, *Horsted*, *Keynes*, *Linfield*, *Ardingly*, and *Cuckfield*, to *Hammer Bridge*, and to the Extent of the Parish of *Cuckfield*; and they may appoint Officers and Workmen for these Purposes, who may cleanse the River, cut or raise its Banks, and make such new Cuts through the Lands adjoining, or within 2,000 Yards from the River, as the Company shall think proper for effecting the Purposes of this Act, and may remove every Obstruction which may impede the navigating of Vessels drawing Three Feet and Six Inches of Water; and may erect Bridges, and make Locks, Weirs, Engines, Wharfs, Weighing

p. 874.

- p. 875.* Weighing Beams, and Warehouses, and other Works for the Use of the Navigation; and may likewise make Roads within the Distance of 2,000 Yards from the River and Branch aforesaid, for the Conveyance of Goods; for all which Purposes they may dig for and carry away Materials in and over any adjoining Lands, not being a Garden or Avenue to a House; and also may make Towing Paths convenient for drawing the Vessels on the River or Cut; but no such Towing Paths shall be made on the West Side of the River, between *Leues Bridge* and a Tan-yard, in the Parish of *St. John under the Castle of Leues*; nor on the North-east Side, between the Tan-yard and Land Port, in the same Parish; nor on the North-east Side, between *Fletching Mill* and *Sheffield Bridge* in the Parish of *Fletching*; and they may perform all other Works which the Company shall judge proper for completing and maintaining the Navigation, on doing as little Damage as may be to the Premises, and giving Satisfaction to the Owners and Occupiers thereof.

No new Cut shall be made through *Wellingham Farm*, except such as may be necessary to straighten the present Course of the River, and also except such as may be agreed upon between *William Newton Esq.* and the Company.

- p. 877.* No Works shall be made below *Barcombe Mill*, by which the Fall of Water at that Mill shall be reduced under Nine Feet Six Inches from the usual Summer Head, except in Time of Flood or Freshes.

Locks and other Works to be erected near *Barcombe Mill*, or within One Mile thereof, which are not necessarily of Wood, shall be of Stone or Brick, so as effectually to preserve the Water from being wasted.

When the Company shall take any Cut already made, its Value shall form a Part of the Estimate of the Compensation to be given.

No Lock or other Work shall be made between the upper End of *Mighell's New Cut*, and a Point of Land 30 Yards below *Hamsey Sewer*.

- p. 878.* The Company may purchase such Lands as they think necessary to be used for the Purposes of this Act; and all Bodies Politick, &c. Trustees, and other Persons possessed of, or interested in such Premises, may, at the Option of the Company, either lease or sell the same; and all Contracts, Sales, and Conveyances made in respect thereof, shall be good in Law; and the Company may also adjust what Proportion of the annual Rent or Sum in gross, agreed to be paid for the Premises used or damaged, shall be allowed to the Persons in-

titled thereto; and all such Leases and Conveyances shall be enrolled by the Clerk of the Peace for *Suffex*, and Copies thereof signed by him shall be good Evidence, and all Persons may inspect the same, on paying for each Inspection 1*s.* and take a Copy on paying after the Rate of 2*d.* for every 200 Words.

If any Person shall, for 30 Days after Notice is given personally or left on the Premises, neglect to treat, or shall not agree with the Company, or by reason of Absence shall be prevented from treating, the Company may apply to a Justice, who shall issue his Warrant to the Sheriff of *Suffex*; or, if he is interested, to the Coroner, requiring him to impanel and return a Jury to appear before him at the Time and Place appointed by the Warrant, not being less than 10 nor more than 20 Days after it shall be served; and in Default of a Return, Offender shall forfeit 20*s.* to be levied, by Warrant of Two Justices, by Distress and Sale of his Goods; and every Juryman neglecting to appear, shall forfeit 40*s.*; and the Jury shall, by the Evidence of Witnesses, and the View of the Premises, determine the Purchase Money to be paid, or the Recompence to be made for any Damage that may be done; and their Verdict and Judgement therein shall be conclusive.

If any Witness shall neglect to appear and give Evidence, or if any Juryman shall neglect his Duty in the Premises, he shall forfeit any Sum not exceeding 5*l.* to be levied by Distress.

The Purchase Money to be paid to any Body Politick, Trustees, or Persons whose Lands are limited in strict Settlement, shall, in case it exceeds 20*l.* be laid out as soon as convenient in the Purchase of other Premises, to be settled to the same Uses as those for which the Money shall be paid; and in the mean Time it shall be placed out in the Publick Funds, in the Names of Two Persons, One to be nominated by the Party interested, and the other by the Company, and the Interest shall be paid to the Persons intitled thereto.

The Verdicts and Judgements of the Jury shall be filed among the Records of the Quarter Sessions, Copies whereof shall be good Evidence; and all Persons may have Recourse to the Original *gratis*, and may take Copies, on paying after the Rate of 2*d.* for every 100 Words.

After Payment of the Money agreed for, or assessed for Damages, or for the Purchase of such Premises; or if any of the Parties cannot be met with, or shall refuse to accept it, then on Payment thereof to such Persons as the Company shall appoint, for the Use of the Parties interested, the Company may

enter

enter on the Premises, and make use thereof for the Purposes of this Act.

p. 885. The Company may, without any previous Recompence, take a Survey, and mark out the Premises necessary to be used for the Navigation, doing as little Damage as may be, and giving 48 Hours Notice to the Owners or Occupiers of such Premises, and making Satisfaction as soon as may be for all Damages which shall exceed 6*d*.

In Default of Payment of the Money assessed by the Jury, the Persons entitled thereto may appoint Collectors to receive the Rates by this Act imposed, until they are fully paid, with Costs; or they may bring an Action against the Company for Payment, in any Court of Record at *Westminster*.

If the Sum assessed for Damages be not paid within Four Months, the Jury, on Complaint made to them, shall direct the Sheriff of *Suffex* to levy it by Distress and Sale of the Company's Goods.

p. 887. If any Person shall sustain any future Damage by the Navigation, and cannot agree with the Company about the Amount thereof, it shall be settled by a Jury, in Manner aforesaid; and if the Company shall not pay the Sum assessed within 20 Days thereafter, the Person aggrieved may appoint a Collector to receive the Rates till the Sum awarded is paid.

p. 888. Where a Verdict shall be given for a greater Sum than shall have been offered by the Company, the Expence of the Inquest shall be defrayed by them; but if a Verdict be given for no more, or a less Sum, the Expence to be settled by Two Justices, shall be defrayed by the Persons entitled to Damages.

p. 889. All yearly Rents as shall be agreed on or settled as aforesaid, shall be chargeable on the Rates, and shall be paid as they become due; and in case of Nonpayment for 21 Days thereafter, the Persons entitled thereto may collect the Rates until they are paid, or may bring an Action for Payment in any Court at *Westminster*, or may recover them by Distress and Sale of the Company's Goods, in such Manner as the Law directs in Cases of Distress for Rent.

p. 890. The Company may appoint Collectors to receive such Rates, for the Passage of Vessels on the River and Canal, as shall from Time to Time be settled, not exceeding the Duties herein-after mentioned; (*viz.*)

For every Ton containing 20 *Cwt.* of any Articles for the manuring of Land, Timber, Grain ground or unground, and Materials to be used for the repairing of Roads, conveyed on the River and Canal, between *Lewis Bridge* and *Barcombe Mill*, One Half-penny for every Mile:

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And for every Ton of other Goods, 1*d.* for every Mile:

And for every Ton of any of the Articles above specified, navigated above *Barcombe p. 891. Mill*, 1*d.* for every Mile:

And for every Ton of other Goods, 1*d.* 2*q.* for every Mile:

And in case of Refusal of Payment of such Rates, the Company may sue for the same, by Action of Debt in any Court of Record, or the Collector may seize the Goods or Vessels for Payment.

No Toll shall be taken between *Lewis* and *Barcombe Mill*, till 500*l.* be laid out in the Improvement of the Navigation.

No Person navigating any Vessel shall receive any other than those Rates above mentioned, on Pain of forfeiting upon Conviction a Sum not exceeding 5*l.* nor less than 40*s.*

No Toll shall be taken for any Vessel passing between *Lewis Bridge* and *Land Port*, or to the South End of *Migbells New Cut*.

The Rates shall be applied in the first Place in discharging the Expences of this Act, and afterwards in completing and maintaining the Navigation, and the Residue thereof shall be equally divided among the Proprietors.

The Company shall appoint Collectors of p. 893. the Rates, and also a Treasurer, of whom Security shall be taken; and the Collectors shall pay over the Money received by them to the Treasurer, at such Times and in such Manner as shall be appointed; and the Company may also appoint a Clerk and such other Officers as they think fit, to all of whom they may allow reasonable Salaries; and every Treasurer and other Officer employed in the Receipt of Money, shall render an Account thereof on Oath if required; and if any of them is found in Arrear, or refuses to account, or to pay the Balance in his Hands, the Company, by Warrant of a Justice, may levy it by Distress and Sale of his Goods; and for Want of sufficient Distress any Justice may commit the Offender to Gaol, until he renders an Account, and pays the Balance in his Hands, or compounds for it; or the Company may bring an Action in any Court of Record against the Officer making Default as aforesaid, and against his Securities, for the Recovery of the Money due.

If any Person shall wilfully damage any of the Works belonging to the Navigation, or shall divert any Stream from feeding it, he shall be punished as a Felon.

If any Person shall obstruct the carrying on the Navigation or its Works, and shall be convicted before a Justice on the Oath of a credible Witness, he shall forfeit any Sum

Sum not exceeding 5*l*. nor less than 40*s*. or be committed to the House of Correction for any Time not exceeding One Month.

p. 896. The Company may contribute for completing the Navigation 25,000*l*. which shall be divided into Shares of 100*l*. each.

p. 897. The said Shares shall be vested in the Subscribers, and shall be deemed Personal Estate, and be transmissible as such; and the Profits arising from the Undertaking shall be divided among the Proprietors in Proportion to their Interest therein.

p. 898. Every Proprietor, for every Share he holds, shall have a Vote in the publick Meetings, which may be given by Proxy (such Proxy being a Proprietor), duly constituted by an Instrument under his Hand and Seal; and whatever Question shall be proposed at any Assembly, it shall be finally determined by the Majority of Votes and Proxies present, computing One Vote for every Share; provided that no Person shall give more Proxies than for Two absent Proprietors.

p. 899. The First General Meeting shall be held at the House of *Jethro Turner*, at the *Sheffield Arms*, in *Suffex*, on the First Monday in *June* next after passing this Act, and the Second General Meeting on the First Monday in *December* following, at the most convenient Place to be fixed on by the Company, and the like General Meetings shall be held annually on the same Days; at which First Meeting the Proprietors shall choose Three of themselves to be a Committee to manage the Affairs of the Company; but if it appears necessary to any Five of them that a Special Meeting of Proprietors should be held, they may give Notice thereof to the Clerk, who shall summon a Meeting to be held in not less Time than 10 Days, and the Reason for which shall be expressed in the Notice.

The Committee shall be subject to the Controul of the General Meetings, and shall pay due Obedience to their Orders.

p. 900. The Books of the Company shall be deposited in Boxes, the Keys of which the Committee shall have in their Custody, and every Proprietor shall have free Access to such Books.

if at any such General Meeting there shall not be Persons present who shall have Eleven Shares, either as Principals or Proxies, no Committee shall be chosen, but in such Case there shall be another Meeting on that Day Three Weeks following, when a Committee shall be chosen; and the Absentees from such Second Meeting shall forfeit to the Company 10*s*. for every Share they hold, to be stopped out of their next Dividend.

At every General Meeting, the Company

may audit and settle the Accounts of the Navigation, and for that Purpose may adjourn themselves from Time to Time as they think convenient; and every General Meeting or Committee may make such Calls from the Company as they find necessary, so as no Call exceeds 10 *per Cent*. nor be made sooner than One Month after the preceding one; and the Committee shall manage the Affairs of the Company, as well in buying and purchasing Lands and Materials for the Use of the Navigation, as in employing Workmen and Officers; and every Proprietor shall pay his Share of the Money to be called for, at such Time and Place as shall be appointed, of which Two Months Notice shall be given by the Clerk, or in such other Manner as any General Meeting shall appoint; and if any Person shall neglect Payment at the Time called for, he shall forfeit 5*l*. for every Share he holds; and if he neglects Payment for Two Months, he shall forfeit his Share in the Navigation; which Forfeitures shall go to the rest of the Proprietors in Proportion to their respective Interests in the Undertaking: But no Advantage shall be taken of the Forfeiture of any Share, unless it be declared to be forfeited at a General Meeting held within Six Months after the Forfeiture.

p. 903. Any General Meeting may remove any of the Committee, or any Officer under them, and may revoke any of the Directions herein-before prescribed, with regard to their Proceedings among themselves, (the Method of calling General Meetings, and voting and appointing Committees, only excepted), and may make such By-laws for the good Government of the Navigation, and impose such Fines on the Breakers thereof, as to them shall seem meet, not exceeding 10*l*. for One Offence.

p. 904. If any Proprietor shall die before his Share is paid for, without having made Provision how such Share shall be disposed of, and the Money paid in on Calls for the future, his Executors shall be indemnified for paying the Subscription when called for; and if such Proprietor shall not have left Assets sufficient for the Purpose, or if the Executor shall neglect to answer the Calls, the Company may admit any other Person to be a Proprietor of the Share, on paying the Money advanced on it to the Executor.

p. 905. The Proprietors may sell their Shares subject to the Conditions herein mentioned, and the Purchasers shall have Duplicates of the Conveyances, One of which shall be delivered to the Committee, or their Clerk, to be filed, and an Entry thereof shall be made in a Book, for which 1*s*. shall be paid; and until such Duplicate shall be filed and



and entered, the Purchaser shall have no Interest in the Navigation.

After a Call is made, no Person shall transfer any Share until the Money called for be paid, on Penalty of forfeiting it, such Forfeiture nevertheless to be declared at a General Meeting.

The Conveyance for the Sale of Shares, shall be in the following Form; viz.

*I A. B. in Consideration of*  
*paid to me by C. D. do hereby bargain, sell,*  
*and transfer to the said C. D. his Executors,*  
*Administrators, and Assigns, Shares*  
*[or Share, as the Case is] of the Undertaking*  
*of the River Ouse Navigation, to hold to him*  
*the said C. D. his Executors, Administrators,*  
*and Assigns, subject to the same Rules and*  
*Orders, and on the same Conditions that I held*  
*p. 906. the same immediately before the Execution*  
*hereof: And I the said C. D. do hereby agree*  
*to accept of the said Shares [or*  
*Share] of the said Undertaking, subject to the*  
*same Rules, Orders, and Conditions.*  
*Witness our Hands and Seals, the*  
*Day of in the Year of our*  
*Lord*

The Navigation shall not be begun (except the providing of Materials) until 10,000*l.* shall be subscribed, and until 10 per Cent. of that Sum shall have been paid to the Treasurer.

The General Meeting may appoint a Clerk, who shall enter the Names and Places of Abode of the Proprietors, and their Proceedings, and every Proprietor may inspect the Books in which these Entries are made, and take Copies, on paying 2*d.* for every 200 Words; and if the Clerk refuses to comply, he shall forfeit 5*l.*

The Proceedings being signed by the Persons present, shall be deemed Originals.

Any General Meeting may remove the Clerk, and appoint another in his Stead.

If any Thing shall be suffered to remain on the Wharfs for above 12 Months, the Company may receive, besides the Rates of Tonnage for conveying the same, a Sum not exceeding those Rates.

The Masters of Vessels shall give a just Account to the Collectors of the Rates of their Lading, from whence brought, where they intend to land it, and of every Article manufactured, or to be manufactured, at *Barcombe Mill*; which if they neglect to do, they shall forfeit to the Company the Sums following; (viz.) If they refuse to give such Account, they shall forfeit 10*s.* for every Ton of Goods of which no Account shall be given; if they give a false Account, *p. 909.* they shall forfeit 20*s.* for every Ton exceeding the Number contained in the Account delivered in; and also the like Sum of 20*s.*

for every Ton delivered at any other Place than what shall be mentioned therein, besides the Rates; which Forfeitures shall be levied in such Manner as the Rates are appointed to be levied.

In case of Difference concerning the Quantity of Goods, the Collector may detain the Vessel until they are weighed; and if they prove to be of greater Weight than the Master affirmed them to be, he shall pay the Expence, if otherwise the Collector *p. 910.* shall pay it, and shall also pay him such Damages as shall appear to any Justice, on the Oath of a credible Witness, to have arisen by such Detention; and in Default of Payment, the same shall be recovered from the Company by Action of Debt, in any Court of Record at *Westminster*.

All Persons shall have Liberty to use, with Carriages, the private Roads (except the Towing Paths), and also may navigate on the River with Vessels, not exceeding 12 Feet Four Inches in Breadth, and 50 Feet in Length, and use the Wharfs on Payment of the Rates.

No Vessel, of less Burthen than 10 Tons, shall pass through the Locks at or above *Barcombe Mill*, without the Consent of the *p. 911.* Company.

The Company shall not build any Warehouse or Wharf within 100 Yards of any capital House, or in any Garden or Walk, or within 200 Yards of the House of *Thomas Rickman*, at *Lewes*; nor shall damage any House without the Consent of the Proprietor, nor cut down any Wood on the Lands through which the Navigation shall be made, except what is necessary to be removed, which the Land Owners may take at the estimated Price; but if not separately valued at such Price as shall be agreed on between the Parties, or in case of any Difference in settling the same, it shall be valued by Two indifferent Persons, whose Determination shall be final. *p. 912.*

Owners of Lands through which the Navigation shall be made, may erect Wharfs and Warehouses thereon, and may make Places for Vessels to lie in or pass each other, so as they do not prejudice the Navigation; and the Rates arising from the Use thereof shall belong to the Owners; but these shall not prejudice the Rates of the *p. 913.* Company.

But if any Land Owner shall not, within 12 Months after receiving Notice that any Part of his Lands is intended to be used for erecting Buildings for the Use of the Navigation, erect them agreeable to the Plan delivered, the Company may do so themselves, on making Satisfaction.

No more than 6*d.* per Ton shall be taken for Wharfage by the Proprietors of Wharfs, unless the Goods shall remain on the Wharf longer *p. 914.*

longer than Two Months, in which Case it may be taken; and the Company may erect and use weighing Machines on any such Wharf, in case the Proprietor shall refuse to erect the same within Twelve Months after receiving Notice.

The Master of every Vessel shall cause the progressive Number of it to be painted White on its Outfides above the Water; and shall permit it to be measured; and he shall fix on each Side of it, Two Indexes to denote the Weight of its Lading, and on not complying herewith, he shall forfeit a Sum not exceeding 5*l.* nor less than 40*s.*

The Master of every Vessel shall be answerable for any Damage that shall be done by it to the Navigation; and he may be sued for the same in any Court of Record, and shall recover it with Double Costs of Suit.

Where the Navigation is not of sufficient Breadth for admitting a Vessel, to turn about and lie, or Two to pass each other, proper Places shall be cut for that Purpose; and where Vessels meet each other, One shall go back to such Place, in such Manner as the Company shall appoint.

No Bargeman passing through a Lock shall suffer the Water to remain in it longer than is necessary for his Vessel to pass; and in going down the Navigation, shall shut the lower Gates of the Lock, before he draws the Cloughs of the Upper, and having brought his Vessel into the Lock, shall shut the upper before he draws the Cloughs of the lower Gates; and on passing a Lock in going up, shall shut the upper Gates and then draw the Cloughs of the lower Gates, unless there is a Vessel in Sight, in which Case the upper Gates shall be left open; and when there is a Scarcity of Water, the Vessel going up, if within 300 Yards below any Lock, shall pass through it before the One coming down; and if there are more Vessels than One, below and above any Lock in dry Seasons, within that Distance, (at which Distance a Mark shall be set up), they shall go up and come down by Turns, that One Lock full of Water may serve Two or more Vessels; and any Person offending herein, as also the Master of the Vessel, shall, on Conviction before a Justice, forfeit a Sum not exceeding 5*l.* nor less than 40*s.*

If any Vessel shall obstruct the Navigation, and the Master shall not immediately upon Request made remove it, he shall forfeit any Sum not exceeding 10*s.* nor less than 5*s.* for every Hour the Obstruction shall continue; and the Company may remove it, and detain the same until the Charges occasioned thereby shall be paid; and if any sunk Vessel shall not, without Loss of Time, be weighed up, the Company may do it at the Owner's Expence.

If any Person shall float any Timber, or load any Vessel therewith so as to lie over at the Sides, or shall overload any Vessel, so as to obstruct the Navigation, and shall not on Notice hale such Vessel into a proper Place, he shall forfeit a Sum not exceeding 5*l.* nor less than 40*s.*

If any Person shall throw any Rubbish into the Navigation, he shall forfeit a Sum not exceeding 5*l.* nor less than 20*s.*

If any Person using the Navigation shall damage the Corn or Lands adjoining, he shall, on Conviction, forfeit a Sum not exceeding 5*l.* nor less than 10*s.*

The Company may, in Five Years from the passing of this Act, let the Rates for any Term not exceeding Three Years, provided One Month's previous Notice be given in some of the publick Newspapers circulated in *Suffex*.

Nothing herein shall prejudice the Rights of any Lord of a Manor, or of any Land Owner, to the Mines or Quarries within the Lands to be made use of for the Purposes of this Act; and he may take and use the same, provided no Prejudice be done to the Navigation; and the Lord of every Manor shall have the exclusive Right of Fishery in such Part of the Navigation as shall be made over the Waste Lands within his Manor, and in other Lands where he now possesses that Right; and the Owners of Lands shall also have the like exclusive Right of Fishery in so much of the River or Cut as shall be made through their Lands respectively, so as in the Use of that Right the Navigation be not prejudiced; and so as the Company be not liable to any Penalty for unavoidably destroying the Fish, by letting off the Water; and they shall (being qualified) have the Privilege of killing Game on the Navigation.

Nothing herein shall affect the Power of the Commission of Sewers for *Suffex*: But they shall not be at Liberty to prejudice the Navigation.

The Company shall erect Bridges where they are necessary for the Convenience of the Owners and Occupiers of the Lands through which the Canals shall be made, and shall keep them in Repair, as also the Walls or Drains which may be made to preserve the adjoining Lands.

If the Company erect any Buildings, except such as shall be necessary for the Purpose of the Navigation, or plant any Trees, unless they obtain the Consent of the Owners of the Lands, the Persons who were the Owners of the Lands may remove them without being guilty of any Trespass.

The Rates shall be exempted from the Payment of all Taxes.

All Penalties shall be levied by Warrant of a Justice for *Suffex*, and when recovered shall be paid to the Treasurer, and shall be applied for the Use of the Company.

p. 924. No Distress shall be deemed unlawful, nor shall the Party be deemed a Trespasser, on Account of any Want of Form in the Proceedings; nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved by such Irregularity may recover full Satisfaction in an Action on the Case; and every Person thinking himself aggrieved may, within Three Months after the Fact, complain to the Justices at their next Quarter Sessions for *Suffex*, who shall in a summary Way determine the Complaint, and, if they see Cause, may mitigate any Penalty; and no Proceeding shall be quashed for Want of Form, or be removed by *Certiorari* into any Court of Record at *Westminster*.

Persons giving false Evidence before the Proprietors or the Committee, or before any

Justice, shall, upon Conviction, be punished p. 925. for Perjury.

If any Person shall neglect to pay his Subscription when required, the Company may recover the same in any Court.

If any Action shall be commenced for any Thing done in pursuance of this Act, it shall be brought within Six Months after the Fact committed, or if there shall be a Continuation of Damages, then within Six Months after they cease; and the Defendant in such Action may plead the General Issue, and give this Act and the special Matter in Evidence, and that the Thing was done in pursuance thereof: And if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; or if the Plaintiff shall become Non-suit, or suffer a Discontinuance of Action, &c. the Defendant shall have Treble Costs. p. 926.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice of it as such.

p. 931. An ABSTRACT of an Act to alter, explain, amend, and render more effectual, several Acts made for paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places, within the City and Liberty of Westminster, and Parts adjacent; and for putting certain Streets therein mentioned, commonly called *Optional Streets*, under the Management of Parochial Committees, subject to the Controul of the Commissioners appointed by or in pursuance of the said several Acts; and for removing and preventing Nuisances, Annoyances, Obstructions, and Incroachments in the said Streets, and other Places; and for other Purposes.

Anno tricesimo GEORGII III. Regis.

# C A P. LIII.

p. 932. THE Preamble states, That several Acts were made in 2, 3, 4, 5, 6, and 11 Geo. III, for paving, cleansing, and lighting the Streets and other Places within the City and Liberty of Westminster, &c.: That previous

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to the passing of the Act of 11 Geo. III, the new paved Streets in the Places comprized within the former Acts were under the Management of Commissioners thereby appointed, and by the last-mentioned Act the Management

management thereof (except the *Optional Streets*, which were put, by Act 5 Geo. III, under the Management of the Commissioners, at the Request of the Occupiers of Houses in such Streets) was put under the Management of Committees to be annually chosen by the Vestry: And that it is expedient to

- p. 933. alter the Powers of the recited Acts: It is therefore enacted, That *Bury Street, Charles Street, Panton Square, and Aarringdown Street, Tyler Street, Vine Street, Little Saint James's Street, and Thatched House Court, Paved Alley, or Little Crown Court*, within the Parish of *St. James*; and also such Part of *Coventry Street* as lies within the Parish of *St. Martin in the Fields*; and such Part of *Princes Street*, between *Coventry Street* and *King Street*, as lies within the Parish of *St. Anne*, being all *Optional Streets*, adjoining the Parish of *St. James*; and *Holborne*, in the Parishes of *St. Giles in the Fields, St. George Bloomsbury, and St. Andrew Holborne above the Bars*, and *Middle Row*, in the Parish of *St. Andrew Holborne above the Bars*, shall be under the Management of the Committee to be chosen by the Vestry of the Parish of *St. James Westminster*, for the Streets under their Management, and *Holborne above the Bars*, and *Middle Row*, shall be under the Management of the Joint Committee chosen for the Parishes of *St. Giles in the Fields, and St. George Bloomsbury*, by virtue of the recited Act of 11 Geo. III, and the Powers granted to the Committee Men, by that Act, over any of the said Streets, shall extend to all the *Optional Streets*, in order to enable the Committees above-mentioned to pave, cleanse, and light them, and to perform all other Matters relative thereto; and for the Purposes of this and the recited Act, such Part of *Coventry Street* as lies within the Parish of *St. Martin in the Fields*, and such Part of *Princes Street* as lies within the Parish of *St. Anne*, shall be deemed within the Parish of *St. James*; and so much of *Holborne* and *Middle Row*, in *Middlesex*, as lie in the Parish of *St. Andrew Holborne above the Bars*, shall be deemed to be within the United Parishes of *St. Giles in the Fields, and St. George Bloomsbury*; but the said Streets shall, nevertheless, be subject to the Controul of the Commissioners.

- p. 934. The other *Optional Streets*, not above specified, shall remain under the sole Management of the Commissioners as heretofore.

- p. 935. The Rates made on the Occupiers of Houses in the *Optional Streets* previous to March 25, 1790, and all Arrears of former Rates made by virtue of the recited Act of 5 Geo. III, may be levied by Warrant of Two Justices; and the Money arising thereby shall be applied for discharging the Debt incurred till the said Day for the Purposes of the former Acts; and if there is any Surplus,

it shall be applied as the Money now in the Hands of the Commissioners is directed to be applied.

Any Person having an Order from Three Commissioners, or Three Committee Men, may inspect and take Copies of the Poor Rates; and if any Person having these in his Custody, shall neglect to produce them within Three Days after the Order is shewn, he shall for the First Offence forfeit 40 s. for the Second 3l. and for every other Offence 5 l. to be levied in like Manner as Penalties are by the Act of 4 Geo. III. to be levied, and shall be applied for the Purposes of this Act, within the Parish in which the Forfeiture shall be incurred.

The Commissioners and Committees (not less than Five of each being present) shall meet at the Place where their Meetings are usually held, on the Second Tuesday after the Day on which this Act shall receive the Royal Assent, and on the Second Tuesday in June, in every successive Year, and at any other Time as often as Occasion shall require, and shall make such Rates on the Occupiers of Premises as they think necessary for defraying the Expences of repairing, cleansing, and lighting the Streets, and for paying off the borrowed Money; such Rates to be assessed according to the Proportion of the yearly Value of the Premises, as they were assessed to the Poor Rate in 1770; and they may appoint Collectors, and take Security for the due Execution of their Office.

The First Rate shall commence from March 25, 1790, and every future Rate, from the Time that the preceding one ended; but the Rate on every new-built House shall commence as soon as it is occupied, and the Money assessed shall be payable Quarterly.

New Houses shall be assessed in the same Manner as other Houses shall be then assessed.

The Rate to be made in *St. James's* Parish shall not in any Year exceed 2 s. in the Pound of the yearly Value of the Premises.

After March 25, 1790, so much of the recited Acts as impowers the Commissioners to make Rates on the *Optional Streets*, hereby put under the Management of Committees, or to appoint Collectors of the Rates, shall be repealed.

Corner Houses in *Optional Streets* shall be rated in equal Moieties, One to each Street to which they front.

The Joint Committee for repairing, cleansing, and lighting the Parishes of *St. Giles in the Fields, and St. George Bloomsbury*, shall annually or oftener make equal Pound Rates in Manner aforelaid, on the Houses and Premises within *Holborne above the Bars* and

*Middle Row*, that have been heretofore rated, for the Purposes of securing Repayment of the Money formerly borrowed on the Credit of the Rates there raised, and for defraying the Expence of repairing, cleaning, and lighting the said Streets.

p. 940. If any Committee neglect to make a Rate for Three Months, the Commissioners may do it, and cause the same to be collected.

The Collectors of the Rates shall, as they collect the Money arising thereby, pay it into the Bank, where it shall be placed to the Account of the Commissioners or Committees, and shall be applied by the Commissioners for the Purposes herein-after mentioned; and the Cashiers of the Bank shall pay the Money as it is drawn for by any Three of the Commissioners; and if any Collector shall retain in his Hands more than

p. 941. 100*l.* longer than Seven Days, he shall forfeit 5*l.* for every Day he retains it beyond that Time; and the Commissioners and Committees Clerks shall keep regular Entries in Books, to be signed by the Commissioners or Committee Men, of all Receipts and Payments.

Houses, while they stand empty, shall be chargeable only with One Half of the full Rate; and in such Cases, the Rates shall be paid by the Owners, or by the first Occupiers, and the Occupiers may deduct the same out of their Rent.

p. 942. The Lessors of Houses let out in separate Apartments shall be deemed the Occupiers.

But every Person occupying any separate Apartment shall be liable to pay the Rates, and he may deduct the same out of his Rent.

p. 943. This Act shall not make void any Agreement between Landlord and Tenant, concerning the Payment of Rates.

Every Rate on Premises possessed by Ambassadors shall be paid by the Owner.

The Commissioners and Committees shall assess all Churches and public Buildings, and void Spaces of Ground, at a Rate not exceeding 6*d.* in every Year for every Square Yard of Pavement belonging thereto, not otherwise charged; which Rate to be laid on Churches shall be paid by the Church Wardens; and the Rate to be laid on other public Buildings shall be paid by the Owners.

Persons quitting Houses or Premises before Payment of the Rates, and Persons entering into such Houses or Premises, shall be subject to the Payment thereof, for the Times of their occupying the same; and in case of any Dispute about the Proportion to be paid, it shall be ascertained by Two Justices.

p. 945. The Clerks shall keep Accounts of the Receipts and Disbursements of the Money arising by Rates on the Optional Streets, separate from the Accounts of the Receipts and Disbursements of the Money arising by the Rates

on other Streets, and the Account of each District from that of another.

If any Person liable to pay the Rate shall neglect Payment, the Collectors may levy the same, by Warrant of Two Justices, by Distress and Sale of his Goods; and if the p. 946. Distress is not redeemed in Five Days, it shall be sold for Payment, with Costs (such Costs to be ascertained by Two Justices).

Where no sufficient Distress can be made, an Action may be brought in any Court of Record at *Westminster*, for the Recovery of the Rates.

If any Person shall think himself aggrieved, he may apply for Relief to the Commissioners or Committees, at their First or Second Meeting thereafter, on giving Two Days Notice to the Clerk; and if he shall not be satisfied with their Determination, he may appeal to the Quarter Sessions for *Middlesex* or *Surrey*, on paying the Rate appealed against, and giving Six Days Notice of his Intention; and within 14 Days thereafter on entering into a Recognizance before a Justice, with Two sufficient Sureties, conditioned to abide the Order of the Quarter Sessions; and the Justices there shall finally determine the Appeal in a summary Way, and may award Costs.

Every Collector neglecting to render an Account of the Money received and paid by him, and to verify it on Oath, or to pay over the Balance in his Hands, may, by Warrant of Two Justices, on Complaint made by Three Commissioners or any Committee, and Proof on the Oath of a credible Witness, be committed to Gaol or the House of Correction, until he complies; but his Commitment shall not discharge his Sureties.

The Committees shall, every *October*, p. 949. transmit to the Commissioners Extracts, signed by their Clerks, and verified by the Collectors on Oath, containing the Amount of the Money assessed, and at how much in the Pound, and the Amount of so much of the Rates as shall be collected and in Arrear, and of the Deficiencies occasioned by empty Houses, poor Persons, and Abatements on Appeal; and if any Clerk shall neglect so to do, he shall forfeit 40*s.* for the First Offence, and 5*l.* for every subsequent one.

The Interest of Money, and all Payments to be made by the Committees, shall be certified by them to the Commissioners, who shall (not having any reasonable Cause to the contrary), within 14 Days after the Receipt of such Certificate, make an Order for Payment of the Money specified therein.

If an Order for the Money so certified to be due shall not, within 14 Days after the Production of the Certificate, be given, the Person to whom the Money is due (unless some just Cause

p. 950.

Cause is assigned) may bring an Action in any Court of Record at *Westminster*, against the Treasurer of the Commissioners.

But nothing herein shall charge the Commissioners with more Money than what shall have been paid into the Bank in their Name.

p. 951. The Commissioners shall keep separate Accounts of the Money to be paid into the Bank, or to their Treasurer, by the Collectors of each Parish, and of all other Monies paid into the Bank as aforesaid, which Accounts shall be made up yearly, and a true Copy, signed by the Clerk, shall be transmitted to the Committee Clerk of each Parish, between *Christmas* and *Lady-day*, to be laid before the Committees; and the Money raised within the respective Parishes shall be laid out for the Purposes of this and the recited Acts within each Parish where the Money shall be raised, except as is herein-before directed, and except also the Salaries of the Officers of the Commissioners.

The Surveyor appointed by the Commissioners shall inspect the Streets within the Limits of this Act; and the Surveyor appointed by each of the Committees shall inspect those within his District, and both shall present, on Oath, all defective Pavements; and thereupon, or on the Request of Two Householdors, the Commissioners and respective Committees shall order the Pavement to be sufficiently repaired; and in case the Pavements complained of shall be under Contract, and shall not have been completed according to the Terms thereof, the Committee may bring an Action, in any Court at p. 952. *Westminster*, against the Contractor for any Penalty incurred, within Seven Days after the Report is made; and if they shall not, in that Time, bring an Action, the Commissioners may bring it.

The Commissioners shall annually, or oftener, inform the Committees of the Proportion to be paid by each of the Parishes, &c. to make good the Salaries of Officers, and contingent Expences of the Committees, within 14 Days after every such Intimation shall signify their Consent, and an Order shall be made for Payment accordingly.

All Securities granted under former Acts for Money borrowed on the Credit of the Rates shall be good in Law.

The Securities for Monies borrowed shall be entered in Books, and all Transfers thereof, expressing the Names and Places of Abode of the Persons entitled thereto, which Books all Persons interested may inspect without Fee.

p. 955. When a Surplus of the Rate on any Place of 100 l. shall remain in the Bank, the Commissioners shall, on Request from the Committee of the Place to which the Sur-

plus belongs, cause Notice to be given to the Creditors on the Rates of their Intention to apply such Surplus towards Discharge of their Debt, at the Expiration of Three Months.

In paying of Securities, the Numbers thereof shall be put into a Box or Glass, and drawn separately by the Clerk; and then the Commissioners or Committees shall cause Notice to be given to the Persons entitled to the Money to be paid off pursuant to such Ballot, that they shall receive their Money at the Expiration of Three Months, and from that Time the Interest shall cease.

If Money can be borrowed at a lower Interest than the present Securities bear, the Commissioners and Committees may borrow Money to pay them off on the Credit of the Rates.

When any Water Pipe shall break, or require Reparation, the Surveyor shall give Notice to the Pavior of the Water Company to whom he apprehends it belongs, who shall forthwith open the Ground, and on discovering that the Pipe belongs to another Company, he shall give Notice to the Pavior of that Company, who shall make Satisfaction to him for taking up the Pavement, and shall repair the Pipe, and afterwards fill in the Ground on the same Day that the Repair of the Pipe is completed, and within 24 Hours thereafter shall give Notice to the Surveyor; and if any such Pipe is private Property, the Surveyor shall repair it at the Owner's Expence; and before any Pavement shall be taken up for any Purpose whatever, Application shall be made to the Surveyor for Leave, and the Person taking it up shall, as soon as convenient, cause the Ground to be filled in, and give Notice to the Surveyor; and if any Person shall make Default herein, he shall forfeit any Sum not exceeding 20 s. nor less than 5 s.; and the Surveyor shall forthwith, on receiving such Notice as aforesaid, transmit the same to the Pavior under this Act, to repair the Pavements, who shall, if he neglects to repair them for 24 Hours, forfeit 40 s. for every Day the Pavement shall continue unrelaid.

The Paviers employed by Water Companies shall, 14 Days after the passing of this Act, or within Seven Days after their Appointment or Removal, give Notice to the Clerk to the Commissioners or Committees, of their Names and Places of Abode, and the District to which they are appointed, on Penalty of 20 s.

If there is no regular Appointment of a Pavior to any of the Water Companies, Notice shall be left at the Office of the Clerk of the Company, who shall be liable to the like Directions and Penalties as the Pavior is liable to, as aforesaid.

Expence



Expence of relaying the Pavement taken up for the repairing any Pipe, shall be reimbursed to the Commissioners or Committees by the Owners thereof; and if Payment is neglected for 21 Days after it is demanded, it may be recovered by Action of Debt in any Court of Record at Westminster, or in any Court for the Recovery of small Debts in the Counties of Middlesex or Surrey, or in Westminster.

The Committees Clerks shall, within 14 Days after their First Meetings, send to the Clerks of Water Companies a List of the Streets put under their Management.

If the Bill of the Expence for repairing Pavements, taken up on account of repairing Pipes, be not delivered within Eight Months after the Expence is incurred, Payment cannot be recovered.

The Property of the Pavements in the Optional Streets, Lamp Irons, and other Things (except such Lamps as shall be furnished by any Contractor), shall be vested in the Commissioners and Committees, who may hire Ground for depositing Materials; and in case any Person shall (without their Consent) take away any Part thereof, or shall wilfully damage the same, they may bring Actions or Indictments against Persons offending herein; or shall remove or alter the Situation of any Lamp Iron, or take up any Pavement, without the Consent of the Commissioners or Committees, (except in Cases of Fire, and erecting Hoards by virtue of a Licence), a Copy of which Licence shall be left with the Surveyor before the Pavement is taken up; or if any Person shall obstruct the Execution of this Act, he shall forfeit a Sum not exceeding 20 s. nor less than 5 s.

Any Person wilfully breaking a Lamp, or extinguishing its Light, may be taken before a Justice; and on Conviction of the Offence, he shall forfeit 20 s. for every Lamp broken, and also for every Light extinguished, besides making Satisfaction for the Damage; and One Half of the Forfeiture shall be paid to the Person apprehending the Offender, and the other to the Contractor; and in case the Forfeiture is not instantly paid, the Justice shall commit the Offender to Gaol or the House of Correction, for any Time not exceeding One Month, nor less than Seven Days; and if any Person shall carelessly break a Lamp, and shall not on Demand make Satisfaction for the Damages, any Justice may examine into the Matter, and award the Sum to be paid; which may be levied as any Penalty under this Act.

The Commissioners and Committees may alter and regulate the Number and Position

of the Lamps; and also the Level of any Street, and the Form of the Pavement.

The Commissioners under the recited Acts shall make up particular Accounts of the Monies, which, on the Second Monday in September 1790, shall be in their Hands, relating to the Optional Streets, and also an Account of all Arrears of the Rates uncollected; and shall deliver attested Copies of all Securities granted for Payment of the Money owing as aforesaid, and likewise of all Contracts, to the Committees, by the Second Monday in October following.

The Committees shall issue Certificates to enable the Commissioners to pay all Debts due on subsisting Contracts; and when they expire may advertise for fresh ones.

The Commissioners, and the Committees, within 14 Days after receiving their Consent, shall advertise in a London Newspaper, that they will meet, but not in less than 14 Days, to receive Proposals for paving, lighting, and cleansing the Streets; and they may, if there are Five present, contract with any Person for that Purpose; and every Contract shall specify the Works to be done, the Prices to be paid, and the Time when to be completed, and the Penalties for Nonperformance; and shall be signed by the Parties; and a Copy of every Contract entered into by the Committees shall be sent to the Commissioners for Confirmation, who shall, if they approve of it, return it in Seven Days; but if not confirmed in that Time, it shall be void, and fresh Proposals shall be advertised for.

Commissioners and Committees may compound with Contractors for the Penalties incurred, so as the Composition be not less than One Half of such Penalties, beside the Damage sustained by the Breach of Contract.

The Commissioners and Committees may employ such Workmen and Carriages, with sufficient Horses, as they think necessary.

The Contractors, in cleansing the Streets, shall rake the Soil together, so as to lie 10 Feet from the Grates placed over the Common Sewers, and Three Feet from the Channel, where the Width of the Street will admit; and the Scavengers shall once a Week, between Seven in the Morning and Six in the Evening, attend in the Streets, of which Attendance they shall give Notice by ringing a Bell, and shall give One Day's Notice to the Inspector, who shall, according to Notice, inspect the Streets to see if the Work is properly performed; and they shall also, on Request of the Inhabitants, go into any Place where Dust is deposited, and take it away; and if any Scavenger shall neglect so to do, he shall forfeit a Sum not exceeding 10 s. nor less than 3 s.; One Half whereof shall

shall be paid to the Inhabitant complaining, and the other to the Commissioners or Committees.

p. 969. If any other Person than the Contractor shall carry away Dust from any Premises, any Person seeing the Offence committed may seize and convey the Offender before a Justice, who shall fine him in a Sum not exceeding 10 s. nor less than 5 s.; to be divided between the Person who apprehends him, and the Commissioners or Committees; and in Default of Payment the Justice shall commit the Offender to Gaol, or the House of Correction, for a Time not exceeding 20 Days, nor less than Seven Days: But nothing herein shall prevent the Owners of Dust from carrying it away for their own Use.

p. 970. The Powers granted by the recited Acts for preventing Nuisances shall be repealed; and if any Person shall lay any Dust or other Annoyance, or place any Stall or Goods, or hoop or cleanse any Cask in the Streets, or place or drive any Coach, Waggon, or other Carriage, on any of the Carriage or Footways, except such Coaches and Chairs as are licensed at the Hackney Coach Office, and except for the necessary Time of loading or unloading, or taking up or setting down any Fare, or waiting for Passengers when actually hired, and also for such Time as shall be necessary for washing Carriages on the Pavement, and shall not immediately remove the same when required to do so; or if any Person shall place in the Streets any Timber, or other Materials, unless the same shall be inclosed as by the former Acts is directed, and shall not immediately remove them, on being required to do so, every Person offending, in any of these Cases, shall forfeit a Sum not exceeding 10 s. nor less than 5 s.; and

p. 971. and any Person appointed by the Commissioners or Committees may seize the Carriages or other Things placed contrary hereto; and if they are not claimed by the Owner in Five Days, and the Penalty paid, they may be sold; and any Person who shall see any Dust

p. 972. or Annoyance placed in the Streets, may apprehend and convey the Offender before a Justice, who shall commit him to Gaol or the House of Correction, for any Time not exceeding 10 Days, nor less than Five Days, unless the said Penalty shall be sooner paid; and if any Person apprehended for having committed any Offence against this Act, shall refuse to discover his Name and Place of Abode to the Justice, he shall be immediately committed.

No Hackney Coachman shall ply for Hire in such Part of Piccadilly as lies between the East Side of Church Passage, and the West Side of Sackville Street, on Pain of forfeiting a Sum not exceeding 10 s. nor less than 5 s.

If any Person shall run on the Foot Pavement any Cask or Wheel, or shall wilfully ride or drive any Cattle or Carriage thereon, any Person seeing the Offence committed, may convey the Offender before a Justice; and if the Party accused shall be convicted on his own Confession, or on the Oath of a Witness, he shall forfeit 5 s. for the First Offence, 10 s. for the Second Offence, and for every other Offence 20 s. besides making good the Damages, and paying the Expence of Conviction.

No Projection shall be suffered to extend p. 974. beyond the general Line of the Fronts of the Houses in the Streets, except such as may be necessary for Copings, Porticoes, or Palisades; and also except the Window of any Shop, the Stall Boards of which shall not, in any Street 30 Feet wide, project above 10 Inches, nor in any Street less than 30 Feet wide above Five Inches, and no Cornice to any Shop Window shall, in any Street 30 Feet wide, project more than 18 Inches, nor in any Street less than 30 Feet wide more than 13 Inches; and if any Person shall offend herein, he shall forfeit 5 l.; and the Commissioners or Committees may remove such Projections at the Expence of the Owner, which shall be levied, and the Penalty shall be applied, in Manner aforesaid.

No Bow Window or other Projection built before June 24, 1774, shall be rebuilt, except such as are by this Act allowed, unless the Projection was built at the Time the House to which it belongs was built, or unless it be within the original Line of the Street in which it is erected.

All Signs shall be placed flat on the Walls of the Houses to which they belong; and all Water from the Roofs of Houses shall be conveyed by proper Pipes fixed on the Sides thereof; and in case any Person shall not, within 14 Days after Notice, remove any Annoyance according thereto, or if the Fence for separating the Area of any House p. 976. from the Street shall be broken down, and the Occupier of the House shall not forthwith repair it, the Commissioners or Committees may cause such Annoyances to be removed, and the Fence to be repaired, and levy the Expence on the Owner.

The Commissioners and Committees may order the Names of the Streets to be placed at the Corners thereof, and the Houses and Lamp Irons to be numbered; and if any Person shall obliterate the same, he shall forfeit 10 s.

The Regulations herein established shall extend to the Streets within the Liberty of the Rolls, and the Road from Charges Street to Hyde Park Corner, and from the South End of Park Lane to the North Side of Hertford Street, and Bridge Street Lambeth; but nothing

nothing herein shall empower the Commissioners to make any Rate on such Part of *Piccadilly* and *Park Lane* as aforesaid.

All Penalties by this Act imposed (the Manner of levying whereof is not hereby otherwise directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice, and when recovered, shall be paid to the Treasurer, and applied towards the Purposes of this and the recited Acts; and for Want of Distress the Justice shall commit the Offender to Gaol or the House of Correction, for any Time not exceeding One Month, nor less than 10 Days.

Justices shall cause the Conviction of Offenders to be drawn up in the following Form, or to the like Effect; viz.

County of Middlesex, or Surrey, or City and Liberty of Westminster, to wit.

*BE it remembered, That on the* Day of in the Year of the Reign of His Majesty

A. B. is convicted before of His Majesty's Justices of the Peace for the said Counties, or City and Liberty, [as the Case shall be], by virtue of an Act of Parliament made in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled, [Here set forth the Title of the Act, and specify the Offence, and the Time and Place when and where the same was committed].

Given under our Hands and Seals, or my Hand and Seal, the Day and Year aforesaid.

No Proceedings under this Act shall be quashed for Want of Form, or be removed into any Court of Record at Westminster.

No Distress shall be deemed unlawful, nor shall the Party be deemed a Trespasser, on Account of any Want of Form in the Proceedings, nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved by

such Irregularity may recover full Satisfaction in an Action on the Case.

If any Person shall think himself aggrieved, he may appeal to the Quarter Sessions, within Four Months after the Fact committed, on giving 10 Days Notice to the Clerk or Treasurer to the Commissioners or Committees, and, within Three Days thereafter, entering into Recognizance before a Justice, conditioned to abide the Order of the Quarter Sessions; and the Justices shall finally determine the same in a summary Way, and may award Costs.

No Action shall be commenced for any Thing done in pursuance of this Act, until after 14 Days Notice shall be given to the Clerk, nor after Tender of Amends hath been made, nor Six Months after the Fact committed; and it shall be laid in *Middlesex*; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the Thing was done in pursuance of this Act: And if it shall so appear, or if it shall be brought contrary hereto, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of Action, &c. such Defendant shall have Treble Costs: But before Issue is joined, the Defendant may pay any Sum into Court which he may think sufficient Amends, whereupon the usual Proceedings shall be had.

All Expence that the Commissioners or Committees may be necessarily put unto, shall be paid out of the Money raised by this Act.

The Commissioners shall defray the Expence of obtaining this Act, out of the Money raised by virtue of this or the recited Acts; and the Committees, out of the first Money which comes to their Hands, shall defray the Expences respectively incurred by them in obtaining this Act.

This Act shall be a publick one; and shall be taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for vesting the Estate and Property of the Trustees of *Westminster* Fish Market in the Marine Society, for the Purposes therein mentioned; and for discontinuing the Powers of the said Trustees.

*Anno tricesimo* GEORGII III. *Régis.*

## C A P. LIV.

- p. 987. **T**HE Preamble states, That by 22 *Geo.* II, Cap. 49, Trustees were appointed to erect a Fish Market in *Westminster*, and certain Duties were payable by all Persons bringing Fish thereto, which Act, by 29 *Geo.* II, Cap. 39, was rendered more effectual; and by an Act of 33 *Geo.* II, Cap. 27, certain Duties were granted on all Fishing Vessels coming to *The Nore*, to be applied in carrying the Purposes of the recited Acts into Execution: That the Trustees endeavoured to establish a Fish Market, but it was found impracticable to do it; and the Piece of Ground set apart for the Market was let on a Building Lease, at an annual Rent of 65 *l.*; and the Trustees are now in the Receipt of the Rent, and of the Duties aforesaid; and are also possessed of 4,200 *l.* in the Three *per Cent.* Consols. being the Produce of the Rents and Duties: And that the providing Apprentices for the Sea Service, being one of the Objects of the recited Act of 22 *Geo.* II, it is expedient that the Property of the Trustees should be applied in Augmentation of the Fund of the Marine Society: It is therefore enacted, That the Trustees, or any Five of them, shall, by *Sept.* 29, 1790, transfer the said Sum of 4,200 *l.* Three *per Cent.* Consols. to the Marine Society, and
- p. 989. also pay over to them all the Money in their Hands belonging to the said Trust; and thereupon the Ground intended for the Market, and the Duties on Fishing Vessels, shall likewise be vested in that Society; which Property shall be applied to the following Purposes; *viz.* The 4,200 *l.* and its Produce, and the Rent reserved by the Lease, and the other Money aforesaid (except the Produce of the Duties on Fishing Vessels), shall be disposed of as any other Money belonging to the Society; and the Produce of the Duties on Fishing Vessels shall be applied in binding Apprentices to Fishermen, or, in Time of War, it may be applied in fitting out Persons to serve in the Royal Navy; and the Marine Society shall have the same Powers for appointing an Inspector of the Fishing Vessels coming to the *Nore*, and of obtaining Payment of the Duties, as the Trustees.
- p. 990. After the Transfer is made, the Powers of the Trustees shall cease, and Penalties payable to them shall be payable to the Marine Society.
- p. 991. The Expence of obtaining this Act, shall be paid out of the Money belonging to the Trustees.
- p. 992. This Act shall be deemed a Publick one; and shall be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act to enable Sir *William Hamilton*, Knight of the Most Honourable Order of the Bath, his Heirs and Assigns, to make and provide Quays, Docks, Piers, and other Erections; and to establish a Market, with proper Roads and Avenues thereto respectively, within the Manor or Lordship of *Hubberston* and *Pill* in the County of *Pembroke*.

Anno tricesimo GEORGII III. Regis.

## C A P. LV.

- p. 995. THE Preamble sets forth, That Sir *William Hamilton* is seised of the Manor of *Hubberston* and *Pill*; and also of the *Priory* or *Pill Farms*, within that Manor; and of the Creeks called *Hubberston Pill* and *Castle Pill* adjoining; which Creeks or Pills are Branches of *Milford Haven*; and he is intituled to certain Duties of Keelage for Vessels anchoring there: That a Communication with *Ireland* hath been lately opened by the Establishment of Packets from *Waterford* to *Milford Haven*: That the said *Pill* in its present Situation is very inconvenient to such an Establishment, and to Travellers resorting thereto for the Purposes of Trade, for want of commodious Docks; and, from the want of Markets within the said Manor, Traders are discouraged from settling there: It is therefore enacted, That Sir *William Hamilton* may erect Wharfs and Buildings where necessary, and inclose wet or dry Docks, and likewise make Locks or Bridges across the same; and may project Piers and Embankments beyond Low Water Mark into the Haven, to render the Docks commodious, and make Slaices for keeping them clean.
- p. 996. Goods landed on the Wharfs, shall pay to Sir *William Hamilton* the like Rate of Wharfage as in the Port of *London*.
- p. 997. If any Person shall throw any Ballast or Rubbish into, or do any other Annoyance within the Pills, the Matter shall be examined by a Justice, who may impose a Fine on the Offender, not exceeding 5*l*.
- p. 998. Sir *William Hamilton* may appoint Quay Masters during Pleasure, to collect the Duties payable by Vessels navigating the Pills.
- Goods may be shipped at and landed on the Quays, to be erected in pursuance of this Act, on the East Side of *Hubberston Pill*.
- From such Quays on the East Side of *Hubberston Pill*, as are not legal Quays, Sufferance Goods may be shipped and landed, provided the Regulations appointed by Law are observed.
- The Quay Masters shall direct the Masters of Vessels to moor in such Places as they think proper; and if any Person shall neglect to moor his Vessel accordingly, he shall forfeit 40*s*.
- If any Goods landed on the publick Quays shall remain there longer than Two Days, the Owners shall pay the Quay Master, for the Use of Sir *William Hamilton*, 1*s*. for every Ton thereof; and likewise 1*s*. per Ton for every 24 Hours they shall afterwards remain: And if any of the Articles landed shall be Gunpowder, Tar, or other combustible Goods, these shall be removed within 24 Hours, and in Default thereof, the Vessel shall pay 5*s*. per Ton for every succeeding 24 Hours that they shall remain; and if they cannot be removed by Day-light, the Owner shall keep a sufficient Number of careful Persons to guard them, on Penalty of 10*l*.
- The Master of every Vessel shall be answerable for all Damages done by his Servants to any of the Docks or other Works.
- In case of Disputes about Damages, or any Sum payable to the Quay Master; or if not paid on Demand, any Justice may settle the Dispute, and compel Payment by Warrant, authorising such Quay Master to seize the Vessel or Goods for that Purpose.
- If any Person shall wilfully destroy the Docks, or other Works, he shall be subject to the Pains of Felony, or, in Mitigation, the Court may award such Sentence as the Law directs in Cases of Petty Larceny.
- Sir *William Hamilton* may establish a Market

p. 1003. Market for selling Provisions within the Priory or Pill Farms.

If any Person shall, after the new Market is established, sell any Butchers Meat, or other Provision, within the Manor, except in the Market, and be convicted before a Justice, he shall forfeit a Sum not exceeding 40 s. nor less than 10 s.

The Market shall be open on every Day except Sundays.

p. 1004. There shall be paid to Sir William Hamilton, for the Carcase of every Ox or Cow, offered for Sale in the Market, a Duty not exceeding 8 d.; and for the Carcase of every Calf, Sheep, &c. a Sum not exceeding 2 d.; and in Default of Payment, the Person appointed to collect it, may levy the same by Distress and Sale of the Meat; and in case of Dispute, it may be settled by a Justice, who may make such Order therein, and award such Costs, not exceeding 5 s. as to him shall seem meet; and by Warrant levy the Costs by Distress and Sale of the Defaulters Goods.

p. 1005. Butter brought to Market, in Casks or Vessels, shall be weighed and sealed with the Market Seal, and the following Duties shall be demanded for the same; viz. For every Firkin of Butter, or other Cask containing less than a Firkin,  $\frac{1}{4}$  d.; and for Butter put into any Vessel, containing a greater Quantity, than a Firkin, after the Rate of  $\frac{1}{2}$  d. per Firkin: And in Default of Payment, the Butter and Casks may be seized.

p. 1006. If any Person shall, after the Market is opened, bring any Butter in a Cask to the Pill Lands to sell, or to export from thence, without having it weighed and sealed at the Market, he shall, on Proof thereof by the Oath of a credible Witness before a Justice, forfeit for every Cask 3 s. 4 d.

If any Firkin, or other Vessel of Butter, which shall be brought to the Market, shall be found to be deficient or faulty in the Quantity or Quality appointed by Act 13 and 14 Car. II, Cap. 26, the Owner shall be liable to the Penalties therein expressed.

But this Act shall not compel the bringing to Market any Vessel of Butter to be searched, which shall contain only 4 lbs. nor to subject it to the Duty.

p. 1007. Sir William Hamilton may appoint a Clerk of the Market, to superintend the weighing, searching, and sealing of Butter; and when appointed, he shall be sworn at the next Quarter Session at Haverford West, to the due Execution of his Office.

Sir William Hamilton may erect a publick Weighing House in the Market, and shall keep sufficient Weights, Scales, and Steelyards, and Market Seals, which Seals shall contain the Word *Milford* only; and shall appoint proper Persons to attend the same on

every Market Day from Eight in the Morning to Eight at Night: And to defray the Expence, there shall be paid by the Seller of Meat the Duties following; viz. For every Piece of Meat not weighing 20 lbs.  $\frac{1}{4}$  d.; and for every Piece weighing between 20 and 60 lbs. 1 d.; and every Piece weighing above 60 lbs. 2 d.; and for sealing every Firkin of Butter  $\frac{1}{4}$  d. per Firkin: And if any Seller of Meat or Butter shall refuse to weigh at the publick Scales, or to pay the Duties aforesaid, he shall forfeit 5 l.

Sir William Hamilton may make such Bye-laws for managing the Market, and all Erections which may be made by virtue of this Act; and also for the regulating all Officers employed therein; for better regulating Carriages using the said Market and Quays; and for better regulating all Persons employed in loading or unloading of Vessels, as to him shall seem proper; and may appoint reasonable Penalties not exceeding 20 s. for the Breach of any such Bye-law; which Bye-laws shall be printed, and distributed within the Manor, and likewise hung up in the Market Place, or in some other conspicuous Place on the Pill Lands.

But no Bye-law shall be put in Execution until approved by the Judges of Assize or Great Sessions for the County of Pembroke.

Sir William Hamilton may set out such publick Roads as he thinks proper in the Pill Farms; as also Avenues to the Shores of the Pills and Drains to the Docks and Quays, on making Compensation to the Tenants: And, in case they shall be dissatisfied with the Compensation offered, the Sheriff shall summon a Jury to ascertain the same; and on Payment of the Sum agreed on or ascertained, or if on Tender thereof it shall be refused, or by reason of Absence, or otherwise, a Tender cannot be made, then, on leaving the Money in the Hands of the Sheriff for the Use of the Persons interested, the Land required may be taken for the Purposes aforesaid; and the Expence of the Jury shall be paid by Sir William Hamilton if the Verdict gives more than he offered, if otherwise, the other Party shall pay it.

The Treasury may lease to Sir William Hamilton, or any other Person, the Lands purchased by Government at Milford Haven for constructing Fortifications, upon such Terms as they think proper; and may give Power to the Lessees to work the Limestone to be found therein.

The Penalties by this Act imposed, the Manner of levying whereof is not otherwise directed, shall, on Proof of the Offences before a Justice, be levied by Distress and Sale of the Offender's Goods, and when recovered shall be applied One Half to the Poor of *Stainton*, and the other to the Informer; and for



for Want of sufficient Distress, the Justice shall commit the Offender to Gaol, or the House of Correction, for any Time not exceeding Two Months.

Every Person thinking himself aggrieved, may appeal to the Quarter Sessions, on giving Eight Days Notice to the Quay Master or Clerk of the Market; and within Four Days thereafter, entering into a Recognizance before a Justice, conditioned to try the Appeal, and to pay such Costs as shall be awarded; and the Justices shall finally determine the Matter of every such Appeal in a summary Way, and award Costs.

Justices shall cause Convictions to be drawn up in the following Form, or in any other Form of Words to the same Effect; viz.

*BE it remembered, That on the*  
*Day of* *in the Year of our*  
*Lord* *A. B. is convicted before me*  
*One of His Majesty's Justices of the*  
*Peace for the County of* *on his*  
*own Confession, or on the Oath of One or more*  
*credible Witness or Witnesses (as the Case shall*  
*be), by virtue of an Act made in the Thirtieth*  
*Year of the Reign of His Majesty King George*  
*the Third, (intituled, An Act to enable Sir*  
*William Hamilton, Knight of the Most Ho-*  
*nourable Order of the Bath, his Heirs and*  
*Assigns, to make and provide Quays, Docks,*  
*Piers, and other Erections, and to establish a*  
*Market, with proper Roads and Avenues*  
*thereto respectively, within the Manor or*  
*Lordship of Hubberton and Pill, in the*  
*County of Pembroke), specifying the Offence,*

Time and Place when and where the same was committed, (as the Case shall be).

*Given under my Hand and Seal, the Day and Year above written.*

No Proceedings shall be quashed for Want of Form, or be removeable into any Court of Record at *Westminster*; and where Distress shall be made, it shall not be deemed unlawful, nor the Party making it be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved thereby may recover Satisfaction for the special Damage in an Action on the Case; no Plaintiff, however, shall recover in any such Action, if Tender of sufficient Amends hath been made by the Defendant.

If any Action shall be brought for any Thing done in pursuance of this Act, it shall be commenced within Six Months after the Fact committed, and be laid in the County of *Pembroke*; and the Defendant may plead the General Issue, and give the special Matter in Evidence; and that the Thing was done in pursuance of this Act: And if it shall so appear, or that the Action shall be brought contrary hereto, the Jury shall find for the Defendant; and after such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action, &c. the Defendant shall recover Treble Costs.

Saving to the King, and to all Persons, all Rights (except those barred by this Act) which they enjoyed in the Manors and Lands aforesaid before the passing of this Act.

This Act shall be deemed a publick one; and all Judges, &c. shall take Notice thereof accordingly.

An ABSTRACT of an Act to alter and amend an Act, passed in the last Session of Parliament, *for making and maintaining a Navigable Canal from or from near to Cromford Bridge, in the County of Derby, to join and communicate with the Erewash Canal, at or near Langley Bridge; and also a Collateral Cut from the said intended Canal, at or near Codnor Park Mill, to or near Pinxton Mill, in the said County.*

Anno tricesimo GEORGII III. Regis.

## C A P. LVI.

p. 1019.  
p. 1020. **T**HE Preamble sets forth, That by 29 Geo. III, Cap. 74, Power is given to the *Cromford Canal Company* to supply the Canal with Water from the River *Derwent*, and from other Places therein mentioned; and also to make several Works for securing the Owners of Mills on that River, and other Persons interested in the Waters authorized to be taken: And that it is proper that some Amendments should be made in the recited Act: It is therefore enacted, That nothing in the recited Act shall empower the *Cromford Canal Company* to take any Water from the River *Derwent*, or from any of the Brooks which run into it, except between Eight on every *Saturday* Afternoon and Eight on every *Sunday* Afternoon, nor to take more within that Time than shall amount, including the Water to be delivered by Sir *Richard Arkwright*, to One-twentieth of the Water of *Derwent*, at *Cromford Bridge*. p. 1021.

To prevent Disputes, an Agent shall be appointed, who shall, during 48 Hours, from Four on every *Thursday* Afternoon to Four on every *Saturday* Afternoon, ascertain the average Quantity of Water flowing *per Minute* under *Cromford Bridge*; and if such average Quantity shall be less than 570 Tons *per Minute*, no Water shall be taken into the *Cromford Canal*, from the River *Derwent*, between Eight on *Saturday* Afternoon and Eight on *Sunday* Afternoon then next following.

When such average Quantity shall be equal to 570 Tons *per Minute*, Water may be taken from the *Derwent*, during the 24

Hours in the recited Act expressed; *viz.* From Eight on *Saturday* Afternoon till Eight on *Sunday* Afternoon, so much Water as shall be equal to One-twentieth of the average Quantity flowing *per Minute* under *Cromford Bridge*: But nothing herein shall empower the Company to take any Water from the Mills of Sir *Richard Arkwright*, or to take any Water from *Lea Brook*, above the Cotton Mill of *Peter Nightringale Esq.* contrary to the Restrictions expressed in the recited Act. p. 1022.

The Water at *Cromford Sough*, and *Bonfall Brook*, if diverted into the *Derwent* below *Cromford Bridge*, or into any other Channel, shall be deemed Part of the Water at *Cromford Bridge*. p. 1023.

The Quantity of Water now flowing down *Cromford Sough* and *Bonfall Brook*, or which may have been diverted therefrom into the *Derwent* below *Cromford Bridge*, since the passing of the recited Act, shall be ascertained by the Engineer on such Days as he shall think proper, in 1790, and the average Quantity ascertained shall be deemed the Produce thereof, at the Time of passing the recited Act, and for the Purpose aforesaid, of which a Certificate shall be recorded at the First Quarter Sessions for *Derbyshire* in 1791. p. 1024.

The Water to be taken into the Canal from the *Derwent*, or its Brooks, shall be taken at Four Places only, exclusive of the Soughs and Watercourses herein-after mentioned, and it shall be taken in on the Land belonging to the Company, and not at the Bottom of the Canal.

The

The Water of the Soughs, running into the *Derwent*, shall be measured by the Engineer Twice in a Year, for Three Years; viz. On Aug. 1, and Nov. 1, in 1790, 1791, and 1792, and the Average of these Three Years shall be certified by him, and recorded at the next Quarter Sessions for *Derbyshire*; and if the Water of the Soughs shall be diminished by the Canal, a Quantity equal to the Diminution shall be discharged from the Canal into the *Derwent*.

p. 1024.

No Water raised from Mines Westward of the Company's Tunnel shall be taken into the Canal, except such Part as may be included in the Quantity to be taken in the Four Places aforesaid.

The Company shall make One or more discharging Weirs on the Sides of the Canal, Westward of the Tunnel, at least Three Inches lower than the Weirs on the Sides of the Canal on the Summit Level Eastward of the Tunnel, so that the Waste Water issuing on the West Side of the Tunnel may flow into the *Derwent*; for which Purpose, they shall also make sufficient Back Drains to the Canal, in all such Parts Westward of the Tunnel as may be found to leak.

p. 1025.

The Company shall, before they take any Water from the *Derwent*, lay a Flooring in the Bed of the River at *Cromford Bridge*, to make it level.

Persons interested in the Water of the *Derwent*, below *Cromford Bridge*, shall have Access to the different Places where Water is taken into the Canal, to ascertain the Quantity taken.

That the Canal may be supplied with no more Water, from the *Derwent*, than is by this and the recited Act intended, Engineers shall be appointed, at the Expence of the Company, in Manner herein-after mentioned, viz. On the Application of the Owner of any Mill or Works on the *Derwent*, below *Cromford Bridge*, to the Quarter Sessions for *Derbyshire*, and after 14 Days Notice shall have been given to the Clerk of the Company, the Justices may appoint Engineers, subject to their Controul with respect to the Matters referred to them, and every Engineer shall, before he acts, take the following Oath; viz.

p. 1026.

*I (A. B.) do swear (or, being One of the People called Quakers, do solemnly affirm), That I will truly and impartially, according to the best of my Skill and Knowledge, direct such Works to be executed by the said Cromford Canal Company, as shall appear to me to be most effectual for the complete fulfilling of the several Purposes referred to me in and by an Act of Parliament, made in the Thirtieth Year of the Reign of His present Majesty King George the Third, intituled, An Act to alter*

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and amend an Act passed in the last Session of Parliament, "for making and maintaining a " Navigable Canal from or from near to " *Cromford Bridge*, in the County of *Derby*, " to join and communicate with the *Erewash* " Canal, at or near *Langley Bridge*; and also " a Collateral Cut from the said intended " Canal, at or near *Cadnor Park Mill*, to or " near *Pinxton Mills*, in the said County."

The Owners of Mills and Works on the *Derwent*, below *Cromford Bridge*, may appoint Agents for ascertaining the Water taken; but the Number employed shall not exceed the Number of Places from whence it is so taken; nor more than to the Quarter Sessions shall appear necessary, on the Application of the Company, after 14 Days Notice shall have been given in some Newspaper circulated in the County of *Derby*.

The Engineers and Agents shall be paid by the Company such reasonable Compensation as may be agreed upon, or, in Default of such Agreement as the Quarter Sessions shall appoint, Notice being given as aforesaid.

If the Company, or the Owners or Occupiers of Mills or Works on the *Derwent*, shall be dissatisfied with the Determination of the Jury, authorized by the recited Act to determine Differences and assess Damages between them, the Judgement may be removed into any Court of Record at *Westminster*, and Double Costs shall be allowed the Party in whole Favour a Verdict shall be there obtained.

p. 1028.

If the Company shall become unable to make good Damages, the Diversion of Water shall no longer be suffered to take Place.

The *Erewash Canal* Company, after a Communication shall have been made between the *Cromford* and the *Erewash Canal*, may open the Shuttles of the *Cromford Canal* Locks, below the Point where the Water of the River *Erewash* shall be taken into the *Cromford Canal*, when the *Erewash Canal* shall have Occasion for Water, provided the Water be not suffered to run waste, and shall be taken only for the necessary Purposes of the Navigation, or for supplying *Langley Mill* with its usual Quantity of Water.

p. 1029.

The *Erewash Canal* Company, when a Vessel with Goods shall pass from the *Cromford* to the *Erewash Canal*, may open every Lock through which it has not passed, so as that a Lock full of Water may be conveyed through every such Lock on the *Cromford Canal*, in every Case where any loaded Vessel shall pass from a higher to a lower Level of that Canal.

All future General Assemblies of the *Cromford Canal* Company shall be held on the last Wednesday in May yearly, at 11 in the Forenoon, at such Places, within the Counties of *Derby*

p. 1030.

*Derby and Nottingham*, as the Proprietors shall appoint.

If at any General Assembly there shall not be present, by themselves or their Proxies, Nine Persons Proprietors of Five Shares each in the Navigation, willing to be of the Committee for managing the Affairs of the Company, the Proprietors may choose any One possessed of less than Five Shares, to make up Nine, out of which any Five shall be a Committee.

If the Company, in making the Canal through the Lands of Sir *Richard Arkwright*, shall discover any Lead Mine, Notice within Three Days thereafter shall be given to him, and he shall become intitled to the Property thereof; and thereupon the Mine

shall be subject to such Laws as other Lead Mines in *Wirksworth*.

The Proprietors of *Darley Weirs*, when the Mills there shall not have a sufficient Supply of Water, may raise them to any Height not exceeding 12 Inches above the Level at which they are now placed.

In case any Damage shall be occasioned thereby to any Person, a Compensation shall be made by the Proprietors of the Weirs, to be ascertained and recovered in the same Manner as Damages are directed to be ascertained and recovered under this Act.

This Act shall be deemed a Publick one; and all Judges, &c. shall take Notice of it accordingly.

An ABSTRACT of an Act for making and maintaining a navigable Communication between *Stowmarket* and *Ipswich*, in the County of *Suffolk*.

Anno tricesimo GEORGII III. Regis.

C A P. LVII.

**T**HE Preamble sets forth, That a navigable Communication from *Stowupland Bridge*, on the River *Gippen*, at the Town of *Stowmarket*, to *Ipswich*, will render the Conveyance of the Produce of the Country less expensive than at present, and will be of publick Utility; it is therefore enacted, That *William Woolloston* of Great *Finborough*, *John Wemyss* of *Brittenham*, *Josua Grigby* the younger of *Drinkston*, *Robert Walpole* of *Beighton*, Esqs.; *Henry Hill* of *Buxhall*, and *Henry Jackson* Cluse of *Hitcham*, Clerks, and their Successors, shall be Trustees for making and maintaining the said Navigation.

The Trustees shall make the River *Gippen* navigable from *Stowupland Bridge* to *Hanford Bridge*, and from thence for such Distance, not exceeding Two Furlongs, below *Hanford Bridge*, as they think proper; and also may make a navigable Cut from the *Gippen*, below *Hanford Bridge*, of such Dimensions, and to join the *Orwell* at such Place as they think proper above *Stoke Bridge*; and may improve the Navigation of the *Orwell* from the said Cut to *Stoke Bridge*, to the common Quay in *Ipswich*; and may make navigable Cuts from the *Gippen*, and straiten

its Course: And for these Purposes they may cut the Banks of the *Gippen* and *Orwell*, and erect and make Bridges, Tunnels, Locks, Weirs, Drains, Wharfs, Warehouses, Roads, Towing Paths, and Stones with Marks to denote Distances, and also such other Works as they shall think necessary; and to perform these Works, their Workmen may enter upon, and use the adjoining Lands, on making Satisfaction for Damages.

No Wharf or Warehouse shall be erected between *Bosmere Mill* and *Hanford Bridge*, without the Consent of the Owner; nor shall any House, or any Land which, on Jan. 1, 1790, was the Site of any House, or any Garden, &c. be taken without the Consent of the Owners and Occupiers, except certain Gardens in the Parish of *Stowmarket*, in the Occupation of *William Stew*, *James Williams*, *John Dennant*, *Marmaduke Moy*, *Samuel Elmer*, *William Ellett*, *Richard Sillett*, *John Cratch*, *John Tansey*, *Robert Marriott*, and *Thomas Flood*.

No Lock shall be made on the River *Gippen* so as to injure any Mills on the Sides of the River, or to obstruct the Opening of the Flood Gates belonging to any Mill.

The Rivers or Cuts, with the Towing Path adjoining, shall not be of greater Width than 18 Yards, except where the Banks shall be more than Three Feet above the Surface of the Water, and where Places shall be made for Vessels to turn or pass each other, and in no Case of greater Width than 20 Yards.

- p. 1039. Bodies Politick, &c. Trustees, and all other Persons possessed of, or interested in, any Lands set out for the Purposes aforesaid, may sell and convey the same; and where, by making any Cut, Lands shall be separated into small Parcels, the Proprietors thereof, with the Consent of the Commissioners herein-after appointed, may sell or exchange them for other Lands; and all such Sales and Conveyances (except those which concern any Purchase or Exchange between Land Owners) shall be inrolled with the Clerk of the Peace for *Suffolk*, and Copies thereof, signed by him, shall be good Evidence, for which Inrollment he shall receive 6d. for every 200 Words.

Persons seized of Real Estates of 100*l.* per Ann. lying within 10 Miles of the Navigation, or having 200*l.* Personal Estate, and residing within 10 Miles of the Navigation, shall be Commissioners for settling all Questions and Differences which may arise between the Trustees and the Persons interested in Lands affected by the Execution of this Act; and they may, by Examination of Witnesses on Oath, and by any other Means, determine the Sum to be paid by the Trustees, either by an annual Rent, or by a Sum in Gros, for the Purchase of the Premises aforesaid, and also may determine the Sum to be paid for Damages, in case it cannot be settled between the Parties themselves; and if the Parties shall refuse to submit to the Determination of the Commissioners, or shall be dissatisfied therewith, or if any Person entitled or interested as aforesaid shall refuse, for 10 Days after receiving Notice to treat or agree with the Trustees concerning the Value of Premises taken or damaged, the Commissioners shall issue a Warrant to the Sheriff or Coroner of *Suffolk*, directing him to summon a Jury to appear before them, in not less than Nine, nor more than 20 Days; and the Jury shall enquire into the Matter by Witnesses, and, if necessary, Six of them may view the Premises, and shall ascertain the Money or annual Rent to be paid for the Purchase of the same, and the Recompence to be made for the Damages; and the Commissioners shall give Judgement accordingly, which Verdict and Judgement shall be binding on all Parties; and every Evidence shall be paid, by the Person on whose Behalf he shall be summoned, such Sum for his Trouble as the Commissioners shall direct; and

- p. 1041. the Sum to be paid for Damages, in case it cannot be settled between the Parties themselves; and if the Parties shall refuse to submit to the Determination of the Commissioners, or shall be dissatisfied therewith, or if any Person entitled or interested as aforesaid shall refuse, for 10 Days after receiving Notice to treat or agree with the Trustees concerning the Value of Premises taken or damaged, the Commissioners shall issue a Warrant to the Sheriff or Coroner of *Suffolk*, directing him to summon a Jury to appear before them, in not less than Nine, nor more than 20 Days; and the Jury shall enquire into the Matter by Witnesses, and, if necessary, Six of them may view the Premises, and shall ascertain the Money or annual Rent to be paid for the Purchase of the same, and the Recompence to be made for the Damages; and the Commissioners shall give Judgement accordingly, which Verdict and Judgement shall be binding on all Parties; and every Evidence shall be paid, by the Person on whose Behalf he shall be summoned, such Sum for his Trouble as the Commissioners shall direct; and

if any Sheriff or Coroner shall make Default in the Premises, he shall forfeit 20*l.*; and if any Jurymen or Witnesses shall neglect his Duty, he shall forfeit a Sum not exceeding 5*l.*; and every Penalty recovered from a Witness shall be paid to the Person injured by his Default.

The Commissioners shall ascertain the Expence of taking an Inquest, and where a Verdict shall be given for more Money than had been previously offered by the Trustees, or assessed by the Commissioners for the Premises, the Expence shall be defrayed by the Trustees; but if a Verdict be otherwise given, the other Party shall pay it.

The Commissioners need not receive any Complaint of Injury, unless Application be made by the Complainant to the Trustees, or their Clerk, within Six Months after the Injury shall have been sustained.

Every Person giving false Evidence before the Commissioners or Jury, shall be punished for Perjury.

All the Determinations of the Commissioners acquiesced in, and the Verdicts of Juries, and Judgements thereon, shall be kept among the Records of the Quarter Sessions for *Suffolk*, and Copies thereof, signed by the Clerk of the Peace, shall be good Evidence; and all Persons may inspect the same, and also the Inrollments of Sales and Conveyances, paying for such Inspection 1*s.* and may take Copies, on paying 6d. for every 200 Words; and on Payment of the Money agreed for or assessed as aforesaid, or giving proper Security for its Payment; or if the Parties intitled cannot be found or ascertained, or if they shall refuse to accept the Money, or a Security, on Payment and Delivery thereof to such Persons as the Commissioners shall appoint, for the Use of the Parties so intitled, the Trustees may take Possession of the Premises.

The Commissioners may settle the Proportions of Purchase Money, or Recompence for Damages to be paid to the several Persons interested; and the Purchase Money to be paid to any Body Politick, &c. Trustee, or any Person whose Lands are limited in strict Settlement, shall be laid out as soon as convenient in the Purchase of other Lands to be settled to the same Uses as the Premises taken for the Purposes of this Act; and in the mean Time it shall be placed out in the Publick Funds in the Names of Two Persons, One to be nominated by the Parties placing out the Money, and the other by the Commissioners, and the Interest arising thereby, and also the Annual Rent, where a Rent shall be fixed on, shall be paid to the Persons entitled thereto.

Such annual Rents as shall be agreed on or settled as aforesaid, shall be charged on the

the Rates herein-after granted, and shall be paid by the Trustees; and in Default of Payment for 21 Days after the Rent becomes due, the Commissioners may appoint a Collector of the Rates, who shall receive and pay the same to the Person whose annual Rent is in Arrear; or the Person to whom any annual Rent is due, may recover it from the said Trustees, with Costs, by Action of Debt, in any Court of Record at *Westminster*.

*p. 1048.* The Trustees may sell and convey any Lands, purchased as aforesaid, which they shall afterwards not find necessary for the Purposes of this Act.

The Trustees shall separate the Towing Paths from the adjoining Lands, with sufficient Fences in all Places where the Land-owners shall request the same; and the Trustees shall keep the Bed of the Rivers and Cuts properly scoured, and shall erect so many Gates and Stiles in the Fences, and such Bridges, Drains, and other Conveniences, over and about the Navigation, as the Commissioners shall judge necessary; and shall make Back Drains, Watering Places for Cattle, and Banks against the Rivers and Cuts; and they shall not alter any Ford or make any Cut across any Highway, until they have made a sufficient Passage; and in case they shall neglect to make and keep in Repair these necessary Works and Conveniences for Six Months after the Time appointed by the Commissioners, or after Notice from the Owners or Occupiers of Lands aggrieved, such Owners or Occupiers may perform the same, so as

*p. 1049.* in the doing thereof the Navigation be not stopped longer than is necessary, and the Expence attending it (to be settled by the Commissioners) shall be repaid to them by the Trustees within Three Months thereafter; and in Default of Payment, the Commissioners shall cause it to be levied by Distress and Sale of the Trustees Goods.

If the Water of the Rivers is to be raised above its usual Height, their Banks shall be proportionably raised where necessary.

*p. 1050.* Stones or Posts shall be set up in or near the Staunches, on which shall be marked the Height to which the Water of the Rivers may be raised, and Overfalls shall be made for carrying off the waste Water at the Staunches, in such Manner as the Commissioners shall direct.

The Rates following may be taken for the Tonnage of Grain, and other Goods, navigated on the Rivers and Cuts; *viz.*

For all Grain, Goods, and other Things (except Coal), 1*d.* per Ton per Mile; and,  
For all Coal,  $\frac{1}{2}$ *d.* per Ton per Mile.

If the Commissioners think these Rates insufficient, they may order them to be doubled.

There may be taken for the Wharfrage of *p. 1051.* Goods and other Things placed on any Wharf, which shall continue there longer than Six Months, such Rate as the Commissioners shall appoint; but the Orders of the Commissioners for increasing the Rates of Tonnage, and for ascertaining the Rates of Wharfrage, shall be deposited with the Clerk of the Peace, and kept among the Records of the Quarter Sessions for *Suffolk*, and a Copy thereof shall be inserted Three Times in some Newspaper circulated within the County.

Vessels of less Burden than 35 Tons Lading shall be charged as having 35 Tons, unless the Trustees shall direct to the contrary.

No Rate of Tonnage shall be payable for Manure, unless the Commissioners shall otherwise direct; and in that Case shall be charged only with the Rate payable on Coals; and if any Person shall take the Benefit of any Exemption, not being entitled thereto, he shall forfeit 5*l.* besides paying *p. 1052.* the Rates.

Forty Cubic Feet of Oak, Ash, Elm, or Beech Timber, and 50 Cubic Feet of Fir or Deal Balk, Poplar, or Birch, not cut into Scantlings, shall be deemed One Ton.

The Rates shall be paid to such Persons, and be subject to such Regulations as the Trustees shall appoint; and in case of Neglect of Payment they may be sued for by Action of Debt in any Court of Record; or the Collectors may seize the Goods in respect whereof the Rates ought to be paid; and if the Distress be not redeemed in Five Days, the same shall be appraised and sold.

The Trustees may reduce the Rates of Tonnage, and afterwards may raise the same, so as they do not exceed the Sums herein-before authorized to be taken.

But no Alteration shall be made in the Rates, *p. 1053.* unless Three Months Notice of the Meeting at which the same is proposed to be done, shall be given Three Times in some Newspaper circulated in *Suffolk*; and until the borrowed Money shall be paid off, no Reduction of the Rates shall be made without the Consent of the Persons entitled to Two Third Parts of the Money.

The Trustees shall not lease the Rates, on any Pretence whatever.

The Master of every Vessel shall give an exact Account, to some Collector of the Rates, of his Lading, from whence brought, and where it is to be landed; and if he shall neglect to do so, or give in a false Account, he shall forfeit 10*s.* for every Ton of Goods which shall be falsely stated; and if any Difference shall arise between any Collector and the Master of a Vessel, or the Owner of any Goods, concerning the Quantity, the Collector may detain the Vessel, and weigh the Goods; *p. 1054.*



Goods; and if found to be of greater Weight than what is contained in the Account delivered, the Person giving it in shall pay the Expence; but if found otherwise, the Collector shall pay it, with such Damages as shall appear to the Commissioners, on the Oath of a credible Witness, to have arisen from the Detention of the Vessel.

The Owner of every Vessel shall enter his Name and Place of Abode with the Trustees Clerk, and cause his Name to be painted in White Letters, Six Inches high, and of a proportionable Breadth, on a Black Ground, on the Outside of the Stern of the Vessel, higher than it sinks when full laden; and shall fix on each Side correct Indexes, as the Trustees shall direct, to denote the Weight of the Lading; which if he neglects to do, or shall affix on the Vessel any false Name or Index, he shall forfeit a Sum not exceeding 40 s.

All Persons may use with Horses and Carriages the Roads set out by the Trustees (except the Towing Paths) for the conveying Goods to or from the Navigation, and likewise the Wharfs, without paying for the same, and may navigate on the Rivers and Cuts, and use the Wharfs and Towing Paths, on Payment of the Rates; and no Officer shall give undue Preference to any Vessel in passing the Locks, or in the loading or unloading thereof, on Penalty of 40 s.

The Persons who have subscribed and agreed to lend the Trustees 14,300 l. shall pay the same at such Times and in such Proportions as the Trustees shall direct, of which 40 Days Notice shall be given; and, in Default of Payment, it may be recovered, either by Action in any Court of Record at Westminster, or by Distress and Sale of the Defaulter's Goods; and the Trustees shall, on Receipt of any such Money, assign the Rates to the Lenders, as a Security for Repayment, together with Six per Cent. Interest, on Account of the Hazard of the Undertaking; but no Assignment shall be made for a greater Sum than 100 l.; which Assignments shall be in the Words or to the Effect following:

*p. 1058.* *By virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled,*

*we whose Names are hereunto subscribed, being Trustees for putting in Execution the said Act, in Consideration of the Sum of One hundred Pounds now received by us from assign unto the said Executors, Administrators, and Assigns, such Proportion of the Rates authorised to be collected for the Purposes of the said Act, as the said Sum of One hundred Pounds shall bear to the whole Money secured or to be secured on the Credit of*

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*the said Rates, to hold unto the said Executors, Administrators, and Assigns, from this Day of until the said Sum of One hundred Pounds, with Interest for the same, after the Rate of Five Pounds per Cent. per Ann. and One Pound per Cent. per Ann. for the Risque and Hazard of the Undertaking, shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals, this Day of*

In case a further Sum will be necessary, the Trustees may borrow 6,000 l. more at the Interest aforesaid, and on the Credit of the Rates; or the Trustees may raise that Sum by Annuities for Lives, chargeable on the Rates, either with or without Benefit of Survivorship, so that no Annuity exceeds 10 per Cent. of the Purchase Money; and the Grant of every such Annuity shall be in the Words, or to the Effect following:

*By virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled,*

*we, whose Names are hereunto subscribed, being Trustees for putting the said Act in Execution, in Consideration of the Sum of paid by to us, do hereby grant unto the said Executors, Administrators, and Assigns, an Annuity or yearly Sum of out of the Rates authorised to be collected for the Purposes of the said Act; which Annuity or yearly Sum of shall be paid to the said Executors, Administrators, and Assigns, at upon the in every Year during the First Payment thereof shall be made upon the next ensuing the Date hereof. In Witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord*

And every Annuity shall be payable (free f. 1660. from the Land Tax) out of the Rates, by the Treasurer, at the Times mentioned in the Grant: But no Money shall be raised on the Credit of the Rates, unless 14 Days Notice thereof be given as aforesaid.

Persons entitled to Securities may transfer them in the Words, or to the Effect following:

*I do hereby transfer the within Mortgage [or Grant of Annuity, (if by Indorsement, or, if by a separate Instrument), a certain Mortgage, or, Grant of Annuity] made to*

Executors,

*Executors, Administrators, and Assigns, bearing Date the Day of [or payable out of] the Rates arising by virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled,*  
*and*  
*all my Right and Title to the Money thereby secured, unto*  
*Executors, Administrators, and Assigns. Dated this Day of*

And Copies of such Assignments and Grants of Annuities, and Memorials of Transfers, shall be entered in a Book by the Trustees Clerk; and for the Entry of every such Memorial he shall be paid, by the Transferee, 1s. and all Persons interested may inspect the Books gratis; and all Persons possessing Securities shall be Creditors on the Rates in an equal Degree.

If the Trustees shall borrow a further Sum than the Money already subscribed, a Preference shall be given to the present Subscribers.

The Trustees shall, out of the Money arising hereby, defray the Expence of obtaining this Act, and of making Surveys; and afterwards it shall be applied in making and maintaining the Navigation and other Works, and in paying half-yearly the Interest of the borrowed Money and the Annuities, and then in paying off the Principal.

When the Trustees shall be enabled to pay off any of the borrowed Money, they may ascertain by Lot the Securities to be then paid off, and shall cause Notice thereof to be given to the Persons entitled thereto, and that the same will be discharged in Six Months; after which the Interest shall cease.

If more Money be borrowed than the Sum subscribed, the Subscribers shall not be paid off till the other Money be discharged, unless they desire it.

When Mortgages and Annuities shall be paid off, the Trustees shall reduce the Rates to such Sums as the Commissioners shall judge sufficient for defraying the Expence of maintaining the Navigation; and may raise them again to the Sums before limited; every such Alteration of the Rates being confirmed by an Order of the Commissioners, and deposited among the Records of the Quarter Sessions.

The Lords of Manors, and Owners of Lands, may erect Wharfs and Warehouses on their Lands or Wastes adjoining to the Navigation, and also may make convenient Places for Vessels to lie in and pass each other, so that they do not prejudice the Navigation; and may take for the Use thereof the same Rates as are taken by the Trustees; but the Trustees shall not erect any Wharf

or Warehouse on any adjoining Lands, unless the Proprietor neglects to erect them for Six Months after receiving Notice that they are necessary.

The Commissioners may fix the Rates to be taken for the Freight or Carriage of Goods, and also of Portage, and vary the same as shall be necessary; and every Order made therein shall be kept among the Records of the Quarter Sessions, and a Copy thereof shall be inserted Three Times in some Newspaper circulated in the County; and thereupon it shall be binding on all Persons; and if any Person shall take more than the fixed Rate, he shall forfeit 40s.

Trustees shall not, as Individuals, be concerned in carrying Goods for Hire, without Consent of the Commissioners.

The Trustees in their publick Capacity may (with the Consent of the Commissioners, deposited and published as aforesaid) build Vessels, and carry Goods for Hire at the fixed Rates of Freightage; and the Money arising thereby shall be applied for the Purposes of this Act.

The Master of every Vessel shall suffer it to be measured when required, but not oftener than Four Times a Year; and no Goods shall be landed, unless they are conveyed along a Plank placed from the Side of the Vessel to the Bank; and every Person offending herein shall forfeit a Sum not exceeding 40s.

If any Person shall float any Timber, or suffer the Loading of any Vessel to lie over its Sides, or overload it so as to obstruct the Navigation, and shall not immediately, on Notice, remove it, or if any Master shall not, in passing through any Drawbridge, replace it properly, or shall open it for any other Purpose than passing of the Vessel, or if any Person shall throw any Rubbish into the Water, he shall forfeit a Sum not exceeding 40s.; and if any Vessel shall obstruct the Navigation, and the Person having the Care of it shall not immediately remove it, he shall forfeit a Sum not exceeding 5s. for every Hour the Obstruction shall continue thereafter; and any Officer of the Trustees may cause the Vessel to be unloaded and removed, and detain it until the Expence is paid.

If any Person shall carelessly open any Lock, or suffer any Vessel to run on any of the Works, or wilfully draw off the Water from the Navigation; or if any Master shall suffer his Vessel to continue in a Lock longer than necessary for passing through it, or shall leave it open after the Vessel has passed, the Offender shall forfeit a Sum not exceeding 5l. nor less than 40s.; and if any Damage shall be done by any Vessel, or its Crew, to any of the Works belonging to the Navigation, such Satisfaction as shall be settled by the Commissioners, shall be made to the Trustees, or Persons

Persons injured, by the Master and Crew of the Vessel, to be levied by Distress and Sale of the Defaulter's Goods by Warrant of a Justice; and for want of sufficient Distress, the Owner of the Vessel shall be answerable for the Damage, which may be recovered by Action of Debt in any Court of Record at *Westminster*; and he may deduct the same out of the Wages of the Crew.

If any Person shall wilfully destroy any of the Works of the Navigation, he shall, on Conviction, be subject to the like Pains as in Cases of Felony; or, in Mitigation of Punishment, the Court may award such Sentence as the Law directs in Cases of Petit Larceny.

p. 1069. The Trustees may make such Regulations as they think proper for navigating Vessels on the Rivers or Cuts, and for the well governing of the Bargemen, and others employed in the Navigation; which Regulations, after having been signed by the Commissioners, and inserted Three Times in some Newspaper circulated in *Surrey*, shall be binding; and all Persons who shall offend against them, shall forfeit a Sum not exceeding 40 s.

The Occupier of any Mill, on the River *Gippen*, when it shall be necessary for repairing its Works, may let off the Water, if he gives 24 Hours Notice to the nearest Lock Keeper, who shall inspect the Repairs, and see that the Water be restored to its former Height; and if the Occupier of any Mill shall wantonly let off the Water, he shall be answerable for the Damage, which shall be recovered in any Court of Record.

p. 1070.

The Navigation shall not be subject to the Controul of any Commissioners of Sewers.

The Lords of Manors shall have the exclusive Right of Fishery in so much of the Rivers and Cuts as shall be made through the same, so as in the Exercise of that Right the Navigation be not prejudiced.

p. 1067.

p. 1071. If any unqualified Person shall carry on Board any Vessel any Fishing Net, or other Engine for taking Fish, or if the Master shall permit any Person to do so, he shall forfeit 5 l.

The Owners and Occupiers of adjoining Lands, may use Boats on the Navigation, without paying any Rate, unless they pass through any of the Locks; in which Case, if they have a less Lading than 10 Tons, they shall be charged with the same Rate as any other Vessel laden with Grain of that Weight.

The Trustees may extend the Navigation above *Stowupland Bridge* Six Furlongs, towards the Turnpike Road leading from *Stowmarket* to *Bury St. Edmunds*.

p. 1072. When any Trustee shall die, cease to be resident in the County, or refuse to act, any

One of the Trustees, or their Clerk, shall signify the same to the Commissioners, at their First Meeting, to be held in 14 Days thereafter, who shall appoint some Person qualified to act as a Commissioner to be a Trustee in his Stead.

The Trustees shall meet at the *King's Head Inn*, in *Stowmarket*, on the Third Monday after the passing of this Act, and proceed in its Execution, and may adjourn to such Times, and to such Places, within Five Miles of the Navigation, as they think proper; and in case any Meeting shall not have been regularly adjourned, or shall not have been held pursuant to Adjournment, or if it shall be thought necessary by Two of them that a Meeting should be called, any Two may appoint a Meeting, by giving Fourteen Days Notice thereof in some Newspaper; and all Proceedings directed to be done by the Trustees, may be executed by the Majority of them present at any Meeting (the Number present not being less than Three); and they shall defray their own Expenses.

p. 1073.

The Trustees may appoint, during Pleasure, a Clerk and Treasurer, Collectors, and other Officers; and shall take Security from the Treasurer and Collectors; all of which Officers shall be allowed reasonable Salaries; but no Victualler shall be capable of holding any Place of Profit; and every Officer employed in the Receipt or Expenditure of Money shall, when required, produce to the Trustees an Account thereof, on Oath, if desired, with the proper Vouchers, and shall pay over the Balance in his Hands; and if he refuses so to account, or to deliver up, within Five Days, all Books and Papers in his Custody, any Two Justices shall make Enquiry concerning the Default; and upon Conviction, shall commit the Offender to Gaol until he complies; and if any Officer shall neglect to pay the Money remaining in his Hands, any Two Justices may cause it to be levied by Distress and Sale of his Goods; and for Want of Distress, shall commit him to Gaol until he pays it, or compounds for it.

p. 1074.

p. 1075.

When any Collector shall die, resign his Office, or become incapable of performing his Duty, the Trustees, although not assembled at a Meeting in pursuance of this Act, may appoint one in his Stead.

The Accounts and Proceedings of the Trustees shall be entered in Books by their Clerk; and an Account of the Money received and disbursed shall be annually laid before the Commissioners at their next Meeting, who shall settle and sign the same; which Books shall be open to the Inspection of the Commissioners, and Copies may be taken thereof without Fee.

p. 1076.

The Trustees may bring Actions in the Name

Name of their Treasurer or Clerk, the Expence of which shall be defrayed out of the Money arising by this Act; and they shall not be accountable for any more Money than they shall receive, or for the Acts of one another.

No Person shall act as a Commissioner until he shall have taken and subscribed an Oath to the Effect following, before Two Commissioners, (*viz.*)

*I A. B. do swear, That I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by virtue of an Act of Parliament made in the Thirtieth Year of the Reign of King George the Third, intituled, [Insert the Title of the Act], and that I am qualified to act as a Commissioner, according to the Directions of the said Act.*

The Commissioners shall meet at such Times and Places as they think necessary, and may adjourn their Meetings as they think proper, any Five of them causing 14 Days Notice to be given in some Newspaper, of every Meeting not ordered by Adjournment; and all their Proceedings shall be valid if Five are present.

The Commissioners, on Application of the Trustees, or the Owners or Occupiers of any Lands, shall, within Seven Days thereafter, call a Meeting, in Manner aforesaid, to be held in not less than 21 Days.

Every Meeting of the Commissioners for determining any Complaint, shall be held within Eight Miles of the Place where it shall arise.

The Commissioners may appoint, during Pleasure, a Clerk, with a Salary to be paid him by the Trustees; and he shall, within Two Months after Notice, deliver up all Books and Papers in his Custody, on Penalty of 20 *l.*; and the Commissioners shall cause their Proceedings to be entered in a Book, which shall be open to the Inspection of all Persons interested, who may take Copies without Fee; and the Commissioners shall cause Copies of all their Determinations concerning the Value of Premises, or Satisfaction to be made for Damages, to be engrossed on Parchment, and transmitted to the Clerk of the Peace for *Suffolk*, to be filed among the Records of that County.

Such of the Commissioners who are in the Commission of the Peace, may act as Justices in the Execution of this Act; but no Justice or Commissioner shall act where personally interested, or while he holds any Place of Profit under this Act.

If any Person shall act as a Trustee or Commissioner, without being qualified as aforesaid, he shall forfeit 50 *l.* to any Person who shall sue for the same in any Court of

Record at *Westminster*, and the Proof of Qualification shall lie on the Defendant.

All Penalties, whereof the Recovery is not particularly mentioned, shall, on Proof of the Offences before a Justice, be levied by Distress and Sale of the Offender's Goods; and for Want of Distress, the Justice shall commit him to Gaol for any Time not exceeding Three Months; and the Penalties, when recovered, shall be paid to the Trustees for the Purposes of this Act.

The Justices shall cause Convictions to be drawn up in the Form or to the Effect following; (*viz.*)

*Suffolk, to wit. } BE it remembered, That on the Day of Year of the Reign of A. B is convicted before*

*of His Majesty's Justices of the Peace for the said County, by virtue of an Act of Parliament made in the Thirtieth Year of the Reign of King George the Third, intituled, [set forth the Title of the Act, and specify the Offence, and the Time and Place when and where the same was committed.]*

*Given under my Hand and Seal, [or, our Hands and Seals], the Day and Year aforesaid.*

No Distress shall be deemed unlawful, nor the Party making it be deemed a Trespasser, on Account of any Want of Form in the Proceedings, nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved may recover Satisfaction for the Special Damage in an Action on the Case.

Any Person thinking himself aggrieved by the Determination of any Justice, may, within Six Months thereafter, complain to the Quarter Sessions for *Suffolk*, (on giving Ten Days Notice to the other Party); and the Justices in Session shall finally determine the same.

If any Action shall be commenced, it shall be brought within Six Months after the Fact committed, or within Six Months after the committing of Damages shall cease, and be laid in *Suffolk*; and the Defendant may plead the General Issue, and give the Special Matter in Evidence, and that the same was done in pursuance of this Act: And if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; or if the Plaintiff shall become Nonsuit, or suffer a Discontinuance of Action, &c. the Defendant shall have Treble Costs.

Nothing herein shall affect the Rights of the Corporation of *Ipswich*.

This Act shall be deemed a Publick one; and shall be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for draining, dividing, and inclosing, certain Moors, Commons, or Waste Lands, called *Edington*, otherwise *Burtle Moor*, *East Heath*, *West Heath*, and *Clyde Batch*, within the Hamlet of *Edington*, and Parish of *Moorlinch*, in the County of *Somerset*.

Anno tricesimo GEORGII III. Regis.

C A P. LVIII.

<sup>p. 1087.</sup> THE Preamble sets forth, That there are several Commons, called *Edington*, otherwise *Burtle Moor*, *East Heath*, *West Heath*, and *Clyde Batch*, in the Hamlet of *Edington*, and Parish of *Moorlinch*, in *Somersetshire*, containing 1,060 Acres, or thereabouts; of which *Earl Waldegrave*, as Lord of the Manor, claims the Soil: That several Persons are entitled to Right of Common therein, and are desirous that the same may be drained, divided, and inclosed, which cannot be done without the Authority of Parliament: It is therefore enacted, That *Thomas Davis* of *Longleat* in *Wiltshire*, and *Samuel Kingdon* of *Milverton*, and *John Silke* of *Stockland*, *Bristol*, in *Somersetshire*, and their Successors, shall be Commissioners for putting this Act in Execution.

<sup>p. 1088.</sup>

<sup>p. 1089.</sup>

When any Commissioner shall die, or refuse to act, those remaining shall, within One Month thereafter, or as soon as convenient, appoint another in his Stead.

But no Person interested in the Commons shall be capable of acting as a Commissioner.

Nor shall any Commissioner be capable of acting, until he shall have taken and subscribed an Oath to the Effect following.

*I Do swear, That I will faithfully, truly, impartially, and honestly, according to the best of my Skill and Knowledge, execute and perform the Trusts reposed in me, and hear and determine all such Matters and Things as shall be brought before me as a Commissioner, by virtue of an Act for draining, dividing, and inclosing certain Moors, Commons, or Waste Lands, called Edington, otherwise Burtle Moor, East Heath, West Heath, and Clyde Batch, within the Hamlet of Edington, and Parish of Moorlinch, in the County of Somerset, without Favour or Affection to any Person or Persons whomsoever.*

<sup>p. 1090.</sup>

So help me G O D.

N n

Which Oath any One Commissioner shall administer to another; and the Oath, when subscribed, shall be inrolled with the Award herein-after mentioned.

The Commissioners shall be allowed Two Guineas each for their Trouble and Expences for every Day they shall necessarily attend in the Execution of this Act.

The Commissioners shall meet at *Bridge-water*, within Three Months after the passing of this Act, and proceed to its Execution; and shall afterwards meet and adjourn themselves at such Times and Places, in *Somersetshire*, as they think convenient.

The Commissioners, or any Two of them, shall give Notice in the Chapel of *Edington*, on some Sunday after Divine Service, or by fixing a Notice on the Door of that Chapel, and by publishing a like Notice in the *Sherborne* and *Yeovil Mercury*, or in some other Newspaper circulated in *Somersetshire*, of the Time and Place of their First, Second, and Third Meetings, for executing the Powers vested in them, 14 Days preceding the Days of such Meetings, and shall also give Seven Days Notice of every subsequent Meeting (Meetings by Adjournment excepted).

<sup>p. 1091.</sup>

All Incroachments made on the Commons, within the last 20 Years, shall be deemed Part thereof.

The Commissioners shall, at their First or Second Meeting, perambulate the Boundaries of the Commons, and mark the same; and all Persons having Claims which may affect the Boundaries, shall deliver in, at either of the First Three Meetings, an Account thereof; and if any such Claim shall, at either of the First Four Meetings, be objected to by any Person interested in the Commons, and the same cannot be settled by the Commissioners to the Satisfaction of the Parties, a Meeting of the Persons claiming Right of Common

p. 1093. Common shall be called by Notice as aforesaid, to be held within 15 Days, at which Meeting the Majority present shall determine whether such Dispute shall be tried at Law; and if determined in the Affirmative, the Costs of the Suit shall be paid by the Claimants, in Proportion to their respective Interests in the Commons.

All Persons having any Interest in the Commons shall deliver in an Account of their Claims to the Commissioners at the First, Second, or Third Meeting; and all Claims which shall not be objected to at their subsequent Meeting, shall be allowed.

p. 1093. If any Claim shall be objected to, the Commissioners shall enquire into it by the Oath of Witnesses, and determine the same; and if either of the Parties shall be dissatisfied with such Determination, the Claims may be tried at the Assizes for *Somersetshire*, of which Trial 30 Days Notice shall be given, and the Allotments shall be suspended.

p. 1094. If the Trial of such Claim be not proceeded in at the First or Second Assizes after Objection is made, the Commissioners shall finally determine it.

If any Witness shall neglect to appear, or refuse to give Evidence, the Commissioners may commit him to Gaol or the House of Correction for Six Months.

p. 1095. If any Witness shall give false Evidence before the Commissioners, he shall, on Conviction, be subject to the Pains of Perjury.

The Commissioners shall drain the several Commons, and for that Purpose may, with their Workmen, enter upon any Land within the Parish of *Moorlinch*, and make Banks and Cuts; and may make Engines, Bridges, and other Works, for conveying the Waters from the Commons into the River *Brue*; but Satisfaction shall be made

p. 1096. for Damages done to private Property; and if the Parties cannot agree about the Satisfaction to be made, the Commissioners shall, 10 Days before any Quarter Sessions for *Somersetshire*, within 12 Months after the Land shall have been used or Damage done, give Notice to the other Party that the same will be settled by a Jury at such Sessions; and the Justices shall charge a

p. 1097. Jury to assess the Sum to be paid, who shall award the Recompence to be given; and the Justices shall give Judgement according to such Verdict; which Verdict and Judgement shall be binding on all Parties, and shall be kept among the Records of the Quarter Sessions; and Copies thereof, signed by the Clerk of the Peace, shall be deemed good Evidence; and all Persons may have Recourse thereto, and take Copies on paying the usual Fees.

p. 1098. A Survey shall be made of the Commons by Aug. 1, 1790, or as soon after as con-

venient; and such Survey shall contain the Number of Acres, Roods, and Perches, of which the Commons consist, and the Person making it shall verify it on Oath when he lays it before the Commissioners.

The Commissioners shall, before making any Allotment, set out such publick and private Roads as shall be necessary; and shall cause the publick Roads to be fenced on each Side, which Roads shall be 40 Feet in Breadth between the Ditches; no Gate shall be set across them, nor Toll taken, nor Tree planted on the Sides thereof nearer to each other than 50 Yards; and after it shall be certified to the Quarter Sessions that the publick Roads are in proper Condition, they shall be repaired by the Inhabitants of the Parish; and all private Roads shall be repaired at the Expence of the Persons intitled to the Commons, in such Manner as the Commissioners shall direct; and when the new Roads are completed, the old ones shall be discontinued and made Part of the Common.

The Commissioners shall appoint Surveyors for making the publick Roads, the Expence of which, and of their Salaries, shall be paid out of the Money arising by this Act; and no Charge shall be laid on the Inhabitants for the First forming of the Roads (except the Statute Duty), nor until they shall, by the Commissioners or Surveyors, be certified at the Quarter Sessions to be in good Order, and they shall deliver the Certificate within Two Years after making the Award hereafter mentioned, unless sufficient Reason be given for a further Allowance of Time, which shall not exceed Two Years more, on Penalty of 20*l.* to any Person who shall sue for the same in any Court at *Westminster*.

All such Roads as are at present repaired at the Expence of any Parish, shall, if directed to be used by the Commissioners, continue to be repaired as heretofore.

The Commissioners may borrow at Interest such Sum as they think necessary for the Purposes of this Act, and may mortgage the Commons as a Security for Repayment.

The Commissioners shall set out such Parts of the Commons as they shall judge of sufficient Value, when sold, to defray the Expence of obtaining this Act, and of surveying, draining, and allotting the Waste Lands; and shall, on giving One Month's Notice in the *Sherborne* and *Yeovil Mercury*, expose the Allotment to Sale, and convey it to the highest Bidder.

In case any Overplus Money shall remain from the Sale, after answering the Purposes aforesaid, the Commissioners shall lay it out in Improvements on the Lands.



The Commissioners, on receiving 10 Days Notice from any Five Persons entitled to Right of Common, shall make out a particular Account of the Expences incurred, and lay the same with the Vouchers before them.

- p. 1103. The Commissioners shall next set out to the Owners of the Soil of the Commons, such Parts thereof, for their Right, as they shall consider equal to One Twentieth Part of the Lands remaining undisposed of.

The Remainder of the Commons shall be allotted to the Persons allowed Right of Common therein in respect of their Tenements, without any Regard to the yearly Value thereof.

- p. 1104. But if any Person shall be allowed Right to Turbary or Turf, or other limited Right in *West Heath Common*, the Commissioners may allot to him such Portion of Waste Land as they shall think an Equivalent.

The Allotments awarded to the Persons entitled thereto, shall be in bar of their Rights of Common in the said Waste Lands.

- p. 1105. No Copyholder or Leaseholder shall take from his Allotment any Turf or Soil, except for his Fire Boot or Fuel; nor shall he plough or dig Turf in any Part of the Commons not hitherto used for these Purposes.

The Commissioners shall make such Ditches or other Fences as shall be sufficient to drain and inclose the several Allotments; and shall, by their Award, direct by whom and in what Manner the Drainage Works shall be maintained.

- p. 1106. The Proprietors of Premises, being Tenants for Life, or seized of any other greater Estate therein, may exchange the same for other Premises within the Hamlet, with the Consent of the Commissioners, testified in the Award herein-after mentioned.

Nothing herein shall affect any Will, or prejudice any Person having any Jointure or Incumbrance on the Lands to be divided or exchanged; for the Premises allotted in lieu thereof shall be subject to all Limitations and Incumbrances.

- p. 1107. The Commissioners may declare void all Leases at Rack Rent, and also all other Leases on the Reeve'ship or Right of taking Estrays on the Commons, and shall deter-

mine such Satisfaction to the Lessees as they think reasonable.

The Commissioners shall, after completing the Allotments, make an Award with a Plan annexed, in which shall be specified the Quantity of Acres contained in the Commons, and the Quantities, Situation, and Boundaries of every Parcel allotted to the several Persons entitled thereto; which Award shall give proper Orders concerning the fencing and mounding every Allotment, and also for making and keeping in Repair proper Roads, Bridges, and Drains in the same; and shall also contain such other Regulations as shall be deemed proper: And Two Parts thereof shall be ingrossed on Parchment, and signed and sealed by the Commissioners, or any Two of them, and, within Six Months thereafter, one Part shall be inrolled with the Clerk of the Peace for *Somersetshire*, and the other deposited in the Chapel of *Edington*; and the same shall be binding on all Parties; and a Copy of the Part inrolled with the Clerk of the Peace attested by him, shall be legal Evidence; which he shall grant, on Payment of 6d. for every 100 Words; and every Person interested may inspect the Original; (*viz.*) the Part to be filed with the Clerk of the Peace, on Payment of 6d. and the Part deposited in the Chapel of *Edington*, *gratis*.

If any Person shall think himself aggrieved (except in Cases where the Matter is directed to be tried at Law, and except with respect to such Determinations as are declared to be final), he may, within Six Months thereafter, appeal to the Quarter Sessions for *Somersetshire*; and the Justices there assembled shall finally determine the Matter, and award such Damages as to them shall seem meet.

Nothing herein shall prejudice the Right of any Lords of Manors, (except such Right of Common as is claimed in the Commons aforesaid).

Saving to the King, and all Persons, all such Right as they had before the passing of this Act (except the several Persons to whom Allotments shall be made.)

This Act shall be deemed a Publick one; and all Judges, &c. shall take Notice thereof accordingly.

An ABSTRACT of an Act for more effectually em-  
banking the Marsh called *Malldraeth* and *Corfddau-  
gau*, in the County of *Anglesey*, and draining and  
preserving the same, and the inclosed Low Lands con-  
tiguous thereto.

*Anno tricesimo* GEORGII III. *Regis.*

## C A P. LIX.

p. 1115. THE Preamble sets forth, That in pur-  
suance of 28 Geo. III. for dividing and  
inclosing the Marsh called *Malldraeth* and *Corfddau-  
gau*, in the County of *Anglesey*, &c. the  
p. 1116. Commissioners proceeded to erect a Bank  
and other Works to prevent the Marsh being  
overflowed by the Sea, but the same have  
been lately destroyed by high Tides; that it  
now appears that the making a Bank of suf-  
ficient Strength against the Sea, and also  
such other Banks and Works as shall be ne-  
cessary for draining and preserving the Marsh,  
will be attended with a much greater Ex-  
pence than was apprehended; and that con-  
siderable Quantities of inclosed Lands, lying  
contiguous to the Marsh, will be greatly im-  
proved by an effectual Embankment, and it  
is reasonable that the Owners of such Lands  
should contribute to the Expence; it is there-  
fore enacted, That the Commissioners under  
the recited Act may assess on all Persons having  
Property in the Marsh, and on the Proprietors  
of such inclosed Lands as will be improved  
by the Embankment, such Sum as, with the  
p. 1117. Money granted by the recited Act, shall ap-

pear sufficient for defraying the Expence of a  
sufficient Embankment and Drainage, so that  
the additional Sum to be assessed on the Pro-  
prietors of the Marsh does not exceed Three  
Years Value of their Property, according to  
the Improvement to be made in the Marsh,  
and so that the Money to be assessed on the  
Proprietors of the inclosed Lands does not  
exceed Five Years Value thereof according  
to the Improvement to be made therein;  
which Sums shall be assessed and recovered  
in like Manner as the Rates under the re-  
cited Act.

To enable the Commissioners to ascertain  
the Improvement which the inclosed Lands  
will receive by the Embankment, they may  
enter upon the same, and make Surveys and  
Valuations.

The Expence of obtaining this Act shall be  
paid out of any Money arising by this or the  
recited Act.

This Act shall be deemed a Publick one;  
and all Judges, &c. shall take Notice thereof  
accordingly.

An ABSTRACT of an Act for effectually carrying into Execution Two Acts, of the Sixteenth and Twenty-fifth Years of His present Majesty, for making and maintaining a Navigable Canal from the *Stourbridge* Navigation to the *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations, in the Counties of *Worcester* and *Stafford*.

Anno tricesimo GEORGII III. Regis.

## C A P. LX.

- p. 1113. THE Preamble sets forth, That by 16 Geo. III, Cap. 66, for making and maintaining a Navigable Canal within and from certain Lands in the Parish of Dudley, in the County of Worcester, to join the Stourbridge Navigation, &c. certain Persons were incorporated for that Purpose, by the Name of *The Company of Proprietors of the Dudley Canal Navigation*, who have completed the Canal: And that by 25 Geo. III, Cap. 87, that Company were empowered to extend the Dudley Canal to the *Birmingham* and *Birmingham* and *Fazeley* Canal Navigations, at *Tipton Green*, which cannot be finished unless they are enabled to raise a further Sum of Money: It is therefore enacted, That the Subscribers towards raising the Sum of 27,000*l.* under the last recited Act, may contribute among themselves according to their respective Interests therein, or they may raise by the Admission of new Subscribers, such Sum as shall be necessary for completing the Canal, not exceeding 10,100*l.* and the Powers contained in the recited Acts shall extend to the calling for and recovering the same; which Sum shall be divided into Shares of 100*l.* each, and be vested in the Subscribers, who shall become Proprietors of the Undertaking in like Manner, and shall have the like Votes and Interests therein as the original Proprietors.
- p. 1115. If any Subscriber shall neglect to pay his Share when called for, or if any Person shall have neglected to pay his Share of the said Sum of 27,000*l.* the Company may recover it in any Court of Record at *Westminster*.
- p. 1116. Proprietors may now hold any Number of Shares, not exceeding 35.
- p. 1117. Proprietors of Fractions of Shares amounting to One or more whole Shares, may

transfer them to any Person in Trust, who shall thereupon be deemed a Proprietor.

The Proprietors of Shares in the Sums aforesaid, shall be paid 5 per Cent. Interest for the Money advanced, to be computed from March 25, 1790; and also for such further Sums as they shall hereafter advance, to be computed from the Time of advancing the same, until the Extension of the Canal is made navigable.

The Company may, after the Extension of the Canal is completed, borrow 10,000*l.* at Interest, and assign over the Rates granted by the recited Acts as a Security; and every Assignment shall be in the Mode or to the Effect following:

BY virtue of an Act of Parliament made in the Thirtieth Year of the Reign of King George the Third, intituled, [insert the Title of the Act], we, the Company of Proprietors of the Dudley Canal Navigation, in Consideration of the Sum of *now advanced and paid by A. B. do hereby assign unto the said A. B. his Executors, Administrators, and Assigns, such Proportion of the Profits of the said Navigation, and the Rates granted or arising by virtue of the said Acts, as the said Sum of doth or shall bear to the whole Sum advanced, or to be advanced, on the Credit of the said Navigation and Rates, to hold unto the said A. B. his Executors, Administrators, and Assigns, until the said Sum with Interest, after the Rate of for One hundred Pounds by the Year, shall be fully paid and satisfied. In Witness whereof, we have hereunto put our Common Seal, this Day of*

And all Persons to whom Assignments shall be made, shall be Creditors on the Rates in an

p. 1129. an equal Degree; and a Memorial of every Assignment shall be entered in a Book to be kept by the Clerk, which Book shall be produced *gratis* to all Persons interested; and the Assignments may be transferred in the Words or to the Effect following:

*I A. B. do hereby transfer the within Mortgage [if by Indorsement] or [if by a separate Instrument] a certain Mortgage or Assignment, bearing Date the* Day of *virtue of an Act of Parliament of the Thirtieth Year of the Reign of King George the Third, intituled, [Insert the Title of the Act], and all my Right and Title to the Principal Money and Interest thereby secured, unto C. D. his Executors, Administrators, and Assigns. Dated this* Day of

And every such Transfer shall, within 14 Days after its Date, be produced to the Company's Clerk, who shall cause a Memorial to be made thereof, on Payment of 1 s.

The Interest of the borrowed Money shall be paid half-yearly, in Preference to any Dividends payable to the Proprietors.

The Company may make Cuts, between p. 1130. the Southern End of the Tunnel now making in the present Extension, and a Place called *Black Delph*, for any Distance not exceeding 2,000 Yards, for the more convenient Conveyance of Coals and other Minerals to the Canal from the adjacent Mines, provided the Owners and Occupiers of the Lands through which the Cuts shall be made shall consent thereto.

And as by a Clause in the First recited Act, the Company are restrained from making any Reservoir on certain Parts of *Pensent Chase*, or any other Lands lying on the South-east Side of a Line leading from *Knowle Brook House*, in the Course therein mentioned, in the Parish of *Dudley*; it is enacted, That the said Clause shall be repealed.

The Expence of obtaining this Act, shall be defrayed by the Company out of any Money received by 25 Geo. III, Cap. 87, or this Act.

This Act shall be deemed a Publick one; and all Judges, &c. shall take Notice thereof as such accordingly.

An ABSTRACT of an Act for authorising and enabling the Right Honourable George Earl of *Mount Edgcumbe*, and *Reginald Pole Carew* Esquire, to establish and maintain a Common Ferry over and across the River *Tamer*, between a certain Place North of *Plymouth Dock*, in the Parish of *Stoke Damarel*, in the County of *Devon*, and *Torpoint*, in the Parish of *Antony Saint Jacob*, otherwise *Antony in the East*, in the County of *Cornwall*.

Anno tricesimo GEORGII III. Regis.

# C A P. LXI.

p. 1135. THE Preamble sets forth, That the Parishes of *Stoke Damarel* in *Devonshire*, and *Antony St. Jacob* in *Cornwall*, are opposite each other on the River *Tamer*, and contain several Towns, (particularly *Plymouth*

*Dock* and *Torpoint*), which are become very p. 1136. populous: That the establishing a Common Ferry there will be of publick Utility: And that the Earl of *Mount Edgcumbe* and *Reginald Pole Carew* Esq. are willing to provide a competent

competent Number of Boats for the Use of the Ferry; and to erect necessary Landing Places and Buildings for the Purposes thereof; It is therefore enacted, That the Earl of Mount Edgcumbe and Reginald Pole Carew may establish a Ferry from a Piece of vacant Ground in *Stoke Damarel*, belonging to His Majesty, being so much of the Beach from High to Low Water Mark, lying between the Ordnance Canal at *Plymouth Dock*, and the Direction of the outer Boundary Fence there, as is comprehended between the Northern Boundary of that Beach, and a Line to be drawn between Two Points, the One at Low Water Mark, 80 Feet distant on the South from the Western Extremity, the other 100 Feet on the South from the Eastern Extremity of the Northern Boundary at High Water Mark, over the River *Tamer*, to a Piece of Ground now used as a common Landing Place at *Torpoint*, the Property of *Reginald Pole Carew*.

p. 1138. The Earl of Mount Edgcumbe and Reginald Pole Carew may remove Obstructions in the River, slope its Banks at the Landing Places, make Conveniences for the Use of the Ferry, and erect, on the vacant Ground in *Stoke Damarel*, a convenient Dwelling-house and Offices for the Habitation of the Ferryman; and also may make such Roads from the Landing Places as shall be necessary; particularly a Road to join the one now leading from the *Sally Port*; and shall do all other Matters necessary for establishing a regular Ferry.

p. 1139. The Proprietors may take the following Rates of Ferryage; viz.

For every Foot Passenger (whether going or returning) 1 d.:

For every Horse, laden or unladen, and not drawing, 2 d.:

For every Two Wheel Chaise or such like Carriage, drawn by One Horse, going and returning Once in the same Day, 1 s. 6 d.:

For every Coach, or other such Carriage, drawn by Two Horses, going and returning Once in the same Day, 2 s. 6 d.;—and drawn by Four Horses, 5 s.:

For every Hearse going with, and returning the same Day without a Corpse, and for the Horses and Attendants, 10 s. 6 d.:

For every Cart drawn by One or Two Horses, going and returning Once in the same Day, 1 s. 6 d.;—and drawn by Three or Four Horses, 5 s.:

For every Bullock, going and returning Once a Day, and for One Person attending it, 6 d.;—and for every Calf or Hog, 2 d.:

p. 1140. For every Score of Sheep, going and returning Once in the same Day, and

for One Person attending them, 11 d.;—and for every Score of Hounds, 5 d.:

For every Hoghead of Beer, or other Liquor, 6 d.:

For every Ton of Goods, or Coals, 6 d.:

For every Bag of Corn or Grain, One Halfpenny:

For every Pair of Hampers, Pots, or Crooks, One Halfpenny: And,

For every Person, Carriage, Animal, or other Thing, conveyed over on a Sunday, Double the above Rates.

If any Person shall refuse to pay the Rates, the Proprietors, or their Ferryman, may levy the same by Distress of the Defaulter's Goods, which, if not redeemed p. 1141. in Four Days, shall be sold for Payment.

The Ferryman shall not be obliged to ferry over any Person or Thing before Four in the Morning or after Ten in the Evening, between *March 24* and *Sept. 29*; or before Six in the Morning or after Eight in the Evening, between *Sept. 28* and *March 25* in every Year.

If any Person, without the Authority of the Proprietors, shall, otherwise than for his own Use, after the Time above specified, convey over the River any Passenger or Thing, or shall permit his Boat to be used for that Purpose, whereby the Payment of any Toll shall be avoided, he shall, for each Toll evaded, (on Conviction before a Justice), forfeit 20 s. to be recovered by Distress and Sale of the Defaulter's Goods, or by Action of Debt, in any Court of Record. p. 1142.

Nothing herein shall prevent the free Passage of the Officers of the Ordnance; or of any Person employed in that Service, or the free Conveyance of any Thing for His Majesty's Service.

If any Person shall sink or damage any Vessel, or damage any of the Works belonging to the Ferry, he shall, on Conviction before a Justice, besides the Damages, forfeit for the First Offence a Sum not exceeding 5 l. nor less than 20 s.; and for every subsequent Offence, a Sum not exceeding 10 l. nor less than 40 s.; and if not forthwith paid, the Justice shall commit the Offender to the House of Correction, or other Prison, for any Time, in the Case of a First Offence, not exceeding Three Months nor less than 15 Days, and in case of any subsequent Offence, not exceeding Six Months nor less than 30 Days. p. 1143.

The Master of every Vessel shall be answerable for any wilful Damage it may do to any Boat belonging to the Ferry; and may be sued for the Trespas in any Court of Record. p. 1144.

If any Vessel shall injure any Ferry Boat when crossing the River, it shall be deemed wilful,

wilful, unless it shall be proved that the Damage was unavoidable.

If any Person shall wilfully obstruct the Ferry, or land or ship off any Goods at the Landing Places, he shall, on Conviction before a Justice, forfeit 20s. to be levied by Distress and Sale of the Offender's Goods.

p. 1145. In case any Ferry Boat shall be forced to land Passengers in any other Part than the regular Landing Places, no Person shall be liable to any Action on Account of any Damage done by such Landing, if Tender of sufficient Amends be made to the Party sustaining it.

The Ferry-men may make use of the Landing Place called *The North Corner*, and carry Passengers and Goods therefrom.

p. 1145. The Property of the Ferry, with the Landing Places and Erections thereon; as also the Boats employed in the Ferry, with the Rates and Forfeitures, shall be vested in the Earl of Mount Edcombe and *Reginald Pole Carew*.

The Ferry shall not be rated to any Tax or Assessment whatever.

No Distress shall be deemed unlawful, or the Party making the same a Trespasser, by reason of Want of Form, nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done, but the Party aggrieved thereby may have Remedy for special Damages in an Action at Law.

p. 1147. If any Person shall think himself aggrieved

he may appeal to the First or Second Quarter Sessions to be held next after the Commission of the Fact, and the Justices shall finally determine the Matter; but no Appeal shall be allowed, unless the Appellant shall have given 21 Days Notice to the other Party, and shall, within 10 Days thereafter, have entered into a Recognizance before a Justice, conditioned to try the Appeal.

Nothing herein shall prejudice the Rights of the Prince of *Wales* to the Royalty of the River *Tamer*, or the Fishery belonging thereto.

Every Action to be commenced for any Thing done, shall be brought within Six Months after the Cause thereof shall have arisen, and be laid in the Counties of *Devon* or *Cornwall*; and the Plaintiff shall give 21 Days Notice of his Intention; and the Defendant may plead the General Issue, and give the Special Matter in Evidence, and that it was done in pursuance of this Act: And if it shall so appear, or that the Action has been brought contrary hereto, or that Tender of sufficient Amends hath been made, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall be nonsuited, or discontinue his Action, or where on Demurrer Judgement shall be given against him, the Defendant shall recover Treble Costs.

This Act shall be deemed a Publick one; and shall be taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for paving, cleansing, lighting, and widening the Streets, Lanes, and Passages; for removing and preventing Encroachments, Nuisances, and Annoyances; and for regulating the Porters and Drivers of Carts, within the Borough of *Truro*, and Part of the adjoining Parishes in the County of *Cornwall*.

Anno tricesimo GEORGII III. Regis.

C A P. LXII.

p. 1151. THE Preamble sets forth, That it would be of publick Utility if the Streets of *Truro*, and those adjoining, called *Ken-*

*wyn Street*, *Calenick Street*, and *Clement Street*, were properly paved, cleaned, lighted, and widened, and if the Porters and Drivers of Carts

p. 1151.



Carts employed in carrying Goods for Hire were put under proper Regulations: It is therefore enacted, That the Mayor, Aldermen, and capital Burgeſſes of *Truro*; Sir *John Saint Aubyn*, Sir *William Lemon*, and Sir *Francis Baſſett*, Barts.; Sir *Michael Nowell* Knight; the Rev. *John Vivian*, *Thomas Vivian*, *John Carlyon*, *Charles Pye*, *John Lake*, *Francis Jenkin*, and *Richard Pokewell*, Clerks; *George Hunt*, *John Enys*, *Edward Collins*, *David Horndon*, *Thomas Daniel*, *John Gould*, *Samuel Thomas*, *Richard Thomas*, *James Bullen*, *Joſeph Beauchamp*, *John Lemon*, *Robert Lovell Gwatkin*, *Francis Enys*, *Thomas Mitchell*, *Francis Gregor*, *Humphrey Mackworth Praed*, *Lewis Charles Daubuz*, *Charles Warrick*, *Henry Foote*, *Richard Buckland*, *Simon Edſall*, *William Plummer*, *Thomas Wilſon*, *Thomas Warren*, *Alexander Allen*, *William Roberts*, *Henry Mudge*, *John Martyn*, *John Buckland*, *John Edwards* junior, *John Webb*, *Digory King Maſſball*, *William Paynter*, *Charles Turner*, *Edmund Turner*, *Peter Traer*, *John Tippet*, *Thomas Whitford*, *John Ferris*, *Richard Thomas*, *John Nankivell*, *James Eddy*, *Thomas Powell*, *Benjamin Magor*, *Stephen Lowry*, *Richard Warren*, *Henry John*, *Thomas John*, *William Harpur*, *John Allen*, *Oliver Adams* p. 1153. *Caruth*, *William Richards*, and *Henry Mudge* junior, ſhall be Commiſſioners for putting this Act in Execution.

The Commiſſioners, or any Seven of them, ſhall meet at the Council Hall in *Truro*, on the Third *Tueſday* after the paſſing of this Act, and every *Tueſday* Fortnight afterwards, between 10 and 12 in the Forenoon, in order to put it in Execution, and a Chairman ſhall be appointed at every ſuch Meeting; and where any Difference ſhall ariſe, the Queſtion ſhall be decided by Ballot, and the Chairman ſhall have the Caſting Vote; and they ſhall, at all their Meetings, defray their own Expences.

When any Commiſſioner (other than a Member of the Corporation) ſhall die, or decline to act, any 13 of thoſe remaining ſhall appoint another, that the Number of Commiſſioners may never be leſs than 60; and p. 1154. 10 Days Notice of the Meeting for electing every new Commiſſioner ſhall be given on the Church Door of *Truro*.

No Perſon ſhall be capable of acting as a Commiſſioner, unleſs he is in his own Right, or in that of his Wife, in the actual Enjoyment of a Real Eſtate of 20*l.* yearly Value, or entitled to 500*l.* Perſonal Eſtate; nor until he takes and ſubſcribes an Oath to the Effect following; (*viz.*)

*I Do ſwear, That I am in my own Right, or in Right of my Wife, in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits, of a Real Eſtate of the clear yearly*  
P p

Value of Twenty Pounds above Reprizes, or poſſeſſed of or entitled to a Perſonal Eſtate to the Amount or Value of Five hundred Pounds.

And no Commiſſioner can act while he holds any Place of Profit, or is intereſted in any Contract under this Act; and if any unqualified Perſon ſhall act as a Commiſſioner, he ſhall forfeit 50*l.* to any Perſon who ſhall p. 1155. ſue for the ſame, to be recovered in any Court of Record; and the Proof of Qualification ſhall lie on the Defendant.

Commiſſioners in the Commiſſion of the Peace may act as Juſtices in the Execution of this Act.

The Commiſſioners ſhall provide proper Books, wherein Entries ſhall be made of their Proceedings; and alſo an Account of the Money to be raiſed by virtue of this Act, and of all Contracts to be made in purſuance thereof; which Accounts ſhall be ſettled Quarterly by any Seven of them; and the Books, being ſigned, ſhall be good Evidence, and may be iſpected by any Perſon intereſted, *gratis*.

The Commiſſioners, or any 13 of them, p. 1156. ſhall appoint a Treafurer and Clerk, and ſuch other Officers as they think proper, to whom Salaries ſhall be allowed, and may appoint others in the Room of ſuch as ſhall be removed, or ſhall die, or reſign their Office; Notice of the Meetings for filling up Vacancies being fixed on *Truro* Church Door 10 Days before the Election; and ſuch Officers ſhall give Security for the due Execution of their Offices; and when required by any Seven Commiſſioners, ſhall account on Oath for the Money and other Matters entrusted to them; and alſo ſhall pay over any Balance p. 1157. in their Hands, and deliver up their Books and Papers; and in Default thereof for 24 Hours, an Action may be brought againſt them in any Court of Record at *Weſtmiſter*; or if Complaint be made of any ſuch Officer to a Juſtice, he may determine the Matter in a ſummary Way; and if, on Confeſſion of the Party, or the Oath of a credible Witneſs, it appears that a Balance is in his Hands, the Juſtice may cauſe it to be levied by Diſtreſs and Sale of the Offender's Goods; and in Default of ſufficient Diſtreſs, or in caſe of Refuſal to account, or to deliver up the Books or Papers in his Cuſtody, the Juſtice ſhall commit the Offender to Gaol until he compies. p. 1158.

The Pavements in the Streets of *Truro*, and all other Streets not exceeding Half a Mile therefrom, with the Materials, and other Things provided for the Purpoſes of this Act, ſhall be veſted in the Commiſſioners, p. 1159. who may bring Actions, or prefer Bills of Indictment, againſt Perſons deſtroying the ſame, or carrying away any Part thereof; and

and any Seven Commissioners may dispose of the old Pavement, or other Materials, and the Soil arising in the Streets.

p. 1160. Any Seven Commissioners may pave the Streets in such Manner as they think proper, so as no Foot Way be laid with a Pavement of Flag Stones exceeding Six Feet in Breadth; and may direct them to be cleansed, and all Annoyances and Obstructions to be removed, and Drains to be placed in such Manner as the Commissioners shall think proper.

p. 1161. Any Seven Commissioners may dig for, and carry away, Materials for paving the Streets, out of the Lands of any Person within the County of *Cornwall*, not being Ground built on, or a Garden, or Pleasure Ground, on fencing off the Pits, or levelling the Grounds, and on paying or tendering to the Owners and Occupiers reasonable Damages; and in case of any Difference, any Two Justices shall finally settle it.

If any Person shall obstruct any Officer or Workmen employed by virtue of this Act, he shall forfeit 20 s.

No Person shall alter the Pavement without the Consent of the Commissioners, on Penalty of 5 l.

p. 1162. The Commissioners may provide and place Lamps in the Streets in such Manner as they think proper: And if any Person shall wilfully break any Lamp, or extinguish its Light, he shall forfeit any Sum not exceeding 40 s. nor less than 10 s. whereof One Half shall go to the Informer, and the other for the Purposes of this Act, besides making Satisfaction for the Damage: And if any Person shall accidentally break any Lamp, and shall not, on Demand, make Satisfaction for the Damage, any Justice, on Proof thereof by the Oath of a credible Witness, or on the Confession of the Party, may award the Sum to be paid; and, in Default of Payment, may cause it to be levied by Distress and Sale of the Offender's Goods.

p. 1163. Any 13 Commissioners may contract for the paving, cleansing, and lighting the Streets; which Contracts shall specify the Works to be done, the Prices to be paid, the Time when to be completed, and the Penalties in case of Nonperformance; but 10 Days Notice shall be affixed previous to the Meeting for entering into any Contract on the Church Doors, that Proposals may be given in.

p. 1164. Any Seven Commissioners may cause the Surveyor to inspect the Works done by Contract; and if the Works be not performed agreeable thereto, an Action may be brought in any Court of Record at *Westminster* against the Contractor for Recovery of the Penalty and Damages.

The Scavenger shall weekly, or oftener if

the Commissioners shall direct, bring a Cart into the Streets, and give Notice to the Inhabitants of his coming, that all Persons concerned may bring forth their Dust; and the Scavenger shall put it into the Cart, and shall also sweep and carry away the Dirt arising in the Streets, on Penalty of 10 s.; and the Words *Scavenger's Cart* shall be painted on the Dust Cart.

From the Third *Wednesday* after the passing of this Act, the Inhabitants shall sweep the Foot Paths before their Houses between Six and 10 in the Forenoon, Twice every Week, and shall collect the Dust together, on Pain of forfeiting a Sum not exceeding 2 s. 6 d.

No Person, except the Scavenger, shall carry away any Dust out of the Streets, on Penalty of 40 s.

But any Inhabitant may keep his own Dust, and dispose of it for his own Use, so as it be not placed in the Streets longer than necessary for carrying it away; but if, on removing such Dust, it becomes an Annoyance, and the Person to whom it belongs does not remove it in One Day after Notice is given, he shall forfeit 5 s. for every Day it shall afterwards remain.

No Person shall be subject to any Penalty on Account of Rubbish occasioned by building, if Room is left for Carriages and Foot Passengers; provided it is removed after the Building is completed, or on receiving Notice from the Commissioners; and that, while it remains in the Streets, Lights be set up against it, to prevent Mischief.

p. 1167. The Scavengers may, with the Approbation of the Commissioners, lodge the Dust in convenient vacant Places, near the Streets, on making Satisfaction to the Owners.

No Necessary shall be emptied, but between 11 at Night and Four in the Morning; nor shall the Soil be laid in any other Place than that appointed by the Commissioners, on Penalty of 20 s.; and if any Person shall spill any of the Soil in the Streets, he shall forfeit 10 s.

p. 1168. If any Person shall drive or place on the Foot-ways any Wheel or Carriage, or shall roll any Cask for 10 Yards, or ride or drive any Horse or other Cattle thereon, or shall slaughter any Beast in the Streets, or shall play at Cock Throwing therein; or if any Person shall hoop or scald any Cask, hew or saw any Stone or Timber, or shoe or farrier, or turn loose any Horse, or expose to Sale any Goods, or make Bonfires, or let off any Firework, in the Streets, he shall forfeit 10 s. besides the other Penalties inflicted by Law.

p. 1169. If any Carriage shall be left in the Streets longer than necessary for loading or unloading, or for taking up or setting down the Passengers, and for loading or unloading their Baggage; or if any Cattle shall be permitted

to wander; or if any Materials, or Goods, shall be left in the Streets longer than necessary for housing them (except for building or repairing Houses); or if any Coals, Dust, or other Nuisance, shall be laid in the Streets, the Person offending herein shall forfeit 10 s.

Any Seven Commissioners may give Notice to the Owners or Occupiers of Houses, to remove or regulate the Gutters, Signs, Posts, Penthouses, projecting Windows, Spouts, &c. so as the Streets may not be obstructed: And if any Person shall neglect so to do for 28 Days after Notice is given, the Commissioners may order it to be done at his Expence: And if any Person shall hang out any Sign, or make any Encroachment, he shall forfeit 20 s., and the further Sum of 5 s. for every Day the Offence shall continue after Notice is given to remove it; and the Commissioners shall order the Annoyance to be removed in such Manner as they think proper, at the Expence of the Offender.

If any Bow Window is made in the Streets, the Commissioners may remove it.

Where the Commissioners shall remove Signs, Gutters, or projecting Windows, the Expence shall be repaid to them by the Landlord or Tenant of the House to which they belong, which may be recovered as Penalties are by this Act directed to be recovered: But the Tenant shall be liable to pay the Whole of the Expence, and may deduct so much thereof as ought to be defrayed by his Landlord out of the next Rent.

If any Person shall build or new-front any House otherwise than rising perpendicularly from the Foundation, the Commissioners may order it to be taken down at the Expence of the Owner.

In case any Hogs Sty, or Necessary, shall be offensive to the Inhabitants, the Commissioners shall give Notice to the Person to whom it belongs to remove it; and if he neglects to do so for Five Days, he shall forfeit 5 s. for every Day it continues unre-moved.

No Carriage shall be drawn along the Streets with more Horses than shall be allowed by Law on any Turnpike Road; and no Carriage, with Iron Axles or shod Wheels, shall be used in the Streets; nor no Carriage, unless the Fellies of its Wheels be of the Breadth of Six Inches, on Penalty of 40 s.

The Commissioners shall place the Name of every Street on the Entrance thereof; and cause every House to be numbered; and if any Person shall deface any such Inscription or Number, he shall forfeit 10 s.

The Commissioners may regulate the Rates of Porters and Carters, employed in carrying Goods for Hire; and cause a Table

thereof to be hung up in some public Place in the Borough; and no Porter or Carman shall take more than the Rates settled, on Penalty of 2 s. 6 d., to be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and no Person shall act as such, unless he is licensed by the Commissioners, and wears a Ticket to shew that he is licensed, on Penalty of 5 s.; or if any Carman shall use any other Carriage than what shall be approved of by the Commissioners, he shall forfeit 5 s., to be levied by Distress and Sale of his Goods, by Warrant of a Justice.

The Commissioners shall yearly assess the Occupiers of all Houses and Premises in *Truro*, and the Limits of this Act; and also all Property assessed to the Poor Rates of *St. Mary's* in *Truro*, such Sum not exceeding 1 s. 6 d. in the Pound of the annual Value of the Houses, and other Property, as they shall judge necessary for defraying the Expence of paving, &c. the Streets; the First Assessment to commence on *June 24, 1790*; which Assessments shall be paid quarterly.

No House or Premises shall be charged with the Rate while the same shall be un-occupied.

If any Tenant shall neglect to pay the Assessment for 14 Days after it is demanded, it may be levied by Distress and Sale of his Goods, by Warrant of a Justice.

Any Seven Commissioners may borrow at Interest any Sum not exceeding 1,000 l. and assign the Rates as a Security; and the Interest shall be paid half-yearly by the Treasurer.

The borrowed Money shall be charged upon, and payable out of, the Money arising from the Rates; and all Persons possessing Securities, shall be Creditors on the Rates in equal Degree.

The Money arising hereby shall be applied in paying the Principal and Interest of the borrowed Money, and in defraying all Expences of this Act, except the Expence of the Buildings and Works herein-after authorised to be done by the Corporation.

The Commissioners shall, on *June 24* yearly, or within Two Months thereafter, cause an Account to be made out of all Receipts and Disbursements, to be deposited with the Clerk, who shall permit any Person interested to inspect it *gratis*; and shall give Copies thereof, on being paid 3 d. for every 100 Words.

The Commissioners may order all Sums amounting to 50 l. to be placed in the Hands of any Banker.

Commissioners shall not be personally answerable for Contracts, or for Payment of the Interest of borrowed Money; and the Expence of Prosecutions against them shall be

be paid out of the Money arising by this Act.

Nothing herein shall exempt the Commissioners from Payment of the Rates.

The Commissioners may sue in the Name of their Treasurer; and no Action shall abate by his Death or Removal.

All Penalties (for the Recovery and Application whereof no particular Method is directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and for Want of sufficient Distress, the Justice shall commit him to Gaol for any Term not exceeding Two Months; and the Penalties, when recovered, shall be paid to the Treasurer, and applied in carrying this Act into Execution: And in all Proceedings, any Inhabitant shall be a competent Witness.

The Inhabitants of the Streets called *Kemwyn Street*, *Calenick Street*, and *Clement's Street*, and the new Streets, when paved, shall be discharged from Statute Duty.

The Mayor, Recorder, and Deputy Recorder of *Truro*, shall be Justices within *Kemwyn*, *Calenick*, and *Clement Streets*, and also the New Streets which may be built within the Limits aforesaid; and the Constables and Serjeant of the Borough may execute their Warrants and other Process therein.

And as the Market House of *Truro* is inconveniently situated, and it would tend greatly to the Convenience of the Inhabitants if the Row of Houses, wherein the Market is situate, were pulled down: It is enacted, That the Corporation of *Truro* may contract with the Owners of that Row of Houses, in the Occupation of *Henry Mudge, Hore, William Wills, George Richards, William Code, George Simpson, Philip Reynolds, Nathaniel Carkeet, John Knucky, William Cocker, Charles Turner, Bruse, William Spry, Robert Sholl, and John Woolf*, for the Purchase thereof.

All Bodies Politick, &c. Trustees, and other Persons, seized or possessed of any Estate or Interest in the Premises aforesaid, may sell and convey the same; but if any Person shall, for One Month after Notice, neglect to treat for the Sale, or (by reason of Absence or otherwise) be prevented from treating; or shall not make out a clear Title thereto, the Corporation may issue a Warrant to the Sheriff of *Cornwall*, requiring him to summon a Jury to appear before the Mayor, Aldermen, &c.; and a Jury being returned accordingly, the Mayor, Aldermen, &c. may cause them to view the Place in Question, and use all lawful Means for their Information: And the Jury shall assess the Value of the Premises, and the Mayor, &c. shall give Judgement according to the Jury's

Verdict; which Verdict and Judgement shall be binding, and shall be transmitted to the Clerk of the Peace for the County of *Cornwall*, and kept among the Records of the Quarter Sessions; and all Persons interested may inspect the same without Fee, and take Copies on paying the usual Fees; and the Mayor, &c. may impose any reasonable Fine on such Sheriff, or any Jurymen, who shall neglect his Duty in the Premises, so as the Fine imposed on the former shall not exceed 10 *l.* nor on the latter 5 *l.*

If any Premises, wanted for the Purposes of this Act, shall be held by any Person under a Lease for his Life, or for a long Term of Years; and such Person shall, at the Time of making the Purchase, be upwards of 65 Years of Age, the Compensation shall be made by an Annuity, equal to the annual Value thereof (unless he consents to receive the Purchase Money); and the Jury shall assess the annual Value of such Premises, and give in their Verdict to the Mayor, &c. who shall give a Bond for the due Payment of the Annuity, to be paid half-yearly; and the Verdict and Bond shall be enrolled as aforesaid.

On Payment of the Money to be agreed Premises, and on giving Bond for the due Payment of the Annuity as aforesaid, the Persons receiving the same shall execute sufficient Conveyances of the Premises; but if any Person shall neglect to execute such Conveyance, or shall not be able to evince his Title to the Premises, or cannot be found, or by reason of any Dispute it shall not appear who is entitled thereto, the Mayor, &c. may order the Purchase Money to be paid to such Persons as they shall appoint, for the Use of the Parties, to be paid them when Conveyances are executed; and the Persons receiving the Money in Trust, shall give a Receipt for the same; which Receipt shall be kept among the Records of the Quarter Sessions; and on such Payment and Entry, the Premises shall be vested in the Corporation.

Purchase Money to be paid to any Body Politick, &c. or Trustees, shall be laid out as soon as convenient in the Purchase of Premises, to be conveyed and settled to the same Purposes as those for which the Money is paid; and, in the mean Time, it shall be placed out in the publick Funds, and the Interest shall be paid to the Persons intitled thereto.

The Corporation, after having obtained Possession of the Row of Houses aforesaid, shall take down the same, with the present Market House, and lay the Scies thereof into *Fore Street*.

Any new Market erected by the Corporation, shall be considered as a publick Market, and

p. 1191. and shall have the same Privileges as the present one, and be vested in them.

Nothing herein shall prevent the levying the County Rates within *Kewyn, Calenick, and St. Clement Streets*, or the Streets which may be hereafter built.

Nor prevent the Corporation from keeping Fairs within the Borough, and taking all accustomed Tolls and Duties.

p. 1191. If any Person shall think himself aggrieved he may, within Two Months thereafter, appeal to the Quarter Sessions, on giving 12 Days Notice to the Commissioners Clerk, or Town Clerk of *Truro*, if the Matter appealed against shall be done by the Corporation; and within Three Days thereafter entering into Recognizance before a Justice, with Two sufficient Securities, conditioned to abide the Order of the Quarter Sessions; and the Justices there shall finally determine the Matter in a summary Way.

No Distress shall be deemed unlawful, nor the Party making it be deemed a Trespasser, on Account of any Want of Form in the Proceedings, nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved thereby may recover Satisfaction for the special Damage in an Action on the Case.

No Plaintiff shall recover in any Action, p. 1191. if Tender of sufficient Amends be made on Behalf of the Defendant, who may, before Issue joined, pay into Court such Sum as he thinks fit, whereupon the usual Proceedings shall be had.

No Proceedings under this Act shall be removed into any Court of Record at *Westminster*.

No Action shall be commenced for any Thing done in pursuance of this Act, until 14 Days Notice shall be given to the Defendant, nor 12 Months after the Fact is committed; and it shall be laid in the County of *Cornwall*; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the Matter was done by the Authority of this Act: And if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall be non-suited, or suffer a Continuance of Action, &c. the Defendant shall have Treble Costs.

This Act shall be deemed a Publick one; and shall be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for preserving the Works made for supplying the Town of *Bradford*, in the County of *York*, and Part of the Township of *Horton*, in the Parish of *Bradford* aforesaid, with Water; for the more easy Recovery of the Rents for the said Water, and to enable the Proprietors thereof to borrow Money for the improving such Works.

Anno tricesimo GEORGII III. Regis.

## C A P. LXIII.

p. 1199. THE Preamble sets forth, That certain Persons are Owners of Waters running from a Spring in *North Bierley*; and of Works for conveying the Water therefrom to *Bradford*; and that the said Water might be conveyed more amply and wholesomely to *Bradford* and *Horton*, if proper Powers were granted to the Proprietors for preserving the Works: It is therefore enacted,

Q. 9

That, after the passing of this Act, *Richard Selater, James Smith, John Hardy, Sarah Ward, and John Crosley*, and their Successors, shall be incorporated by the Name of *The Company of Proprietors of Bradford Water Works*, and they shall have a Common Seal.

Any Inhabitant of *Bradford* or *Horton* may p. 1201. lay leaden Pipes, the Bore whereof to be ascertained by the Proprietors, from his Houfe,

Houfe, to communicate with the Pipes of the Company; and fuch of the Inhabitants as fhall not chufe to be at the Expence of laying Pipes, may take Water from the publick Cocks, they having firft agreed with the Company for laying fuch Pipes, or taking fuch Water.

The Pavement, when taken up for laying or repairing Pipes, fhall be made good; and in the mean Time the Ground opened fhall be fenced, on Pain of forfeiting a Sum not exceeding 20 s. nor lefs than 10 s.; One Moiety whereof fhall be paid to the Informer, and the other to the Poor of the Township where the Offence fhall be committed.

*p. 1202.* No Pipe fhall be fixed to the Main Pipe without Content of the Proprietors.

The Proprietors may take from every Inhabitant ufing the Water fuch Rent, to be paid yearly or otherwife, as they fhall agree upon, fo as the annual Rent to be paid for Water ufed in any private Dwelling Houfe, of not more than the yearly Rent of 3 l. does not exceed 2 s.; or of above the yearly Rent of 3 l. and not more than 6 l. does not exceed 6 s.; or of above the yearly Rent of 6 l. and not more than 10 l. does not exceed 10 s.; or of above the yearly Rent of 10 l. and not more than 15 l. does not exceed 15 s.; or of above the yearly Rent of 15 l. and not more than 20 l. does not exceed 20 s.; or of above the yearly Rent of 20 l. does not exceed 25 s.; and fo as the annual Rent to be paid for fuch Water which fhall be ufed in any publick Houfe, under or of the yearly Rent of 10 l. does not exceed 20 s.; or of above the yearly Rent of 10 l. and not more than 15 l. does not exceed 30 s.; or of above the yearly Rent of 15 l. and not more than 20 l. does not exceed 40 s.; or of above the yearly Rent of 20 l. does not exceed 3 l.

*p. 1204.* The Proprietors may take, from every Wholefale Common Brewer, Dyer, Tanner, Felmonger, and Diftiller, ufing Water in his Trade, befides the aforefaid Rents, fuch farther Rent as fhall be agreed upon, fo as it does not exceed 6 l.; and from every Malfter and Hatter, a further annual Rent, not exceeding 3 l.; and from every Mafter Woolcomber, a like further annual Rent, not exceeding 4 s. for every Woolcomber employed by him.

The Occupier of any Dwelling Houfe, under the yearly Rent of 3 l. not having any Apprentice or Journeyman, fhall pay no more than 2 s. *per Ann.* for the Ufe of the Water.

No Perfon by paying the Water Rent fhall gain any Settlement.

*p. 1205.* If any Perfon fhall take the Water, without having agreed for it, he fhall forfeit a Sum not exceeding 20 s. nor lefs than 5 s.;

and if any Perfon having agreed for a private Pipe, fhall fuffer any other Perfon to take Water therefrom, or if any Perfon carrying on fuch Trade as aforefaid, fhall ufe the Water, without having agreed for it, he fhall forfeit a Sum not exceeding 20 s. nor lefs than 5 s.

If any Perfon fhall fuffer the Water to run wafte, or fhall make Default in Payment of the Rent, the Proprietors may cut off the Pipe.

In cafe of Fire, the Inhabitants may open any Pipe or Ciftern, and make ufe of the Water to extinguifh the Fire, without making any Satisfaction.

If any Perfon fhall neglect to pay the Water Rent for 20 Days after it becomes due, the Proprietors may enter upon the Premifes of the Defaulter, and diftrain his Goods; which, if not redeemed in Five Days, may be appraifed and fold for Payment of the Rent, with Cofts.

The Water Works and Rents fhall be exempt from all Taxes or Rates.

The Rents fhall be divided among the Proprietors, in proportion to their refpective Interests; and all Questions difcuffed in every Meeting fhall be determined by the Perfons having a Majority in Value in the Premifes.

*p. 1208.* If any Perfon fhall wilfully damage the Water Works, or pollute the Water, he fhall, befides paying to the Proprietors the Damage fuffained, forfeit, for the Firft Offence, a Sum not exceeding 20 s. nor lefs than 5 s.; and for every fubfequent Offence, a Sum not exceeding 40 s. nor lefs than 20 s.; One Moiety thereof to go to the Informer, and the other to the Poor of the Township where the Offence fhall be committed.

*p. 1209.* All Complaints fhall be made before a Juftice for the Weft Riding of Yorkfhire, who fhall make fuch Determination therein as he thinks proper; and on Conviction of any Perfon complained of, he may iflue a Warrant for the Recovery of the Penalty, by Diftreff and Sale of the Offender's Goods; and all Penalties, when recovered, fhall be applied according to the Directions of this Act; and for Want of fufficient Diftreff, the Juftice fhall commit him to Gaol, for any Time not exceeding Three Months, nor lefs than 14 Days.

No Diftreff fhall be deemed unlawful, nor the Party making it a Trefpaffer *ab initio*, on account of any Irregularity afterwards done, but the Perfon aggrieved thereby may recover Satisfaction for the fpecial Damage in an Action on the Cafe.

Juftices fhall caufe Convictions to be drawn up in the following Form, or to the like Effect; (*viz.*)

*Wef*



*West Riding of the County of York.*  
**BE** it remembered, That on the  
 Day of  
 Year of the Reign of His

Majesty  
 convicted before me, One of His Majesty's Jus-  
 tices of the Peace for the said Riding, by virtue  
 of an Act of Parliament, made in the Thirtieth  
 Year of the Reign of His Majesty King George  
 the Third, intituled, [Here set forth the Title  
 of the Act, and specify the Offence, and the  
 Time and Place when and where the same  
 was committed, as the Case may be.]

Given under my Hand and Seal, the Day and  
 Year aforesaid.

If any Person shall think himself ag-  
 grieved, he may appeal to the Quarter Ses-  
 sions for the said West Riding, within Four  
 Months then after, on giving 14 Days No-  
 tice to the Clerk or Treasurer of the Com-  
 pany, or to One of the Proprietors, and,  
 within Three Days after, entering into a  
 Recognizance before a Justice, conditioned  
 to abide the Order of the Quarter Sessions;  
 and the Justices shall finally determine the  
 Matter in a summary Way, and award Costs.

No Proceedings under this Act shall be  
 quashed for Want of Form, or be removeable  
 into any Court of Record at Westminster.

This Act shall not affect any Agreement  
 made with Charles Swain, Booth Sharp, or  
 Richard Hodsdon, Esqrs. or any Owners of  
 Lands through which the Water is con-  
 veyed.

The Company may borrow at Interest any  
 Sum, not exceeding 2,000 l. and may assign  
 the Water Works and Rents as a Security,  
 by the following Words, or any other to the  
 same Effect; viz.

**BY** virtue of an Act made in the Thirtieth  
 Year of the Reign of His Majesty King  
 George the Third, intituled, [Here set forth  
 the Title of the Act], we, the Company of  
 Proprietors of Bradford Water Works, incor-  
 porated by and under the said Act, in Consi-  
 deration of the Sum of

us paid by  
 do grant and assign unto the said  
 his, her, or their Exe-  
 cutors, Administrators, Successors, and Assigns

(as the Case may be and require), the said  
 Water Works, and Rents thereunto belonging,  
 and arising by virtue of the said Act, and all  
 our Right, Title, and Interest of, in, and to  
 the same Water Works and Rents, to hold to  
 the said his, her, or  
 their Executors, Administrators, Successors, and  
 Assigns (as the Case may require), until the  
 said Sum of together  
 with Interest for the same, after the Rate of  
 per Cent. per Ann.  
 be paid. Given under our Seal the  
 Day of in the Year  
 of our Lord

And all Persons, to whom such Assignments  
 shall be made, shall be equally entitled to their  
 Proportion of the Rents.

An Entry of every Assignment shall be  
 made in Books, which may be perused by  
 any Person interested, without Fee; and all  
 Assignments may be transferred in the Words,  
 or to the Effect following; (viz.)

**I** Do transfer this Grant (or Assignment) with  
 all my Right and Title to the Principal Mo-  
 ney thereby secured, and to all Interest now due  
 or hereafter to become due thereon, unto  
 of his, her,  
 or their Executors, Administrators, Successors,  
 or Assigns (as the Case may require). Dated  
 this Day of in  
 the Year of our Lord  
 Witnesses

And every Transfer shall, within 30 Days  
 after the Date thereof, be notified to the  
 Clerk, who shall enter a Memorial of it (for  
 which he shall be paid 2 s.); after which the  
 Transferee shall be entitled to the Benefit of  
 the Security.

The Interest of the borrowed Money shall  
 be paid half-yearly, in Preference to any Di-  
 vidend to the Company.

Saving to the King, and to all Persons, all  
 Estate and Interest in the Lands through  
 which the said Water is or shall be conveyed,  
 as they had before the passing of this Act.

This Act shall be deemed a Publick one; and  
 shall be judicially taken Notice of as such,  
 by all Judges, &c.

An ABSTRACT of an Act for establishing a Chapel  
at *Ramsgate*, in the Parish of *Saint Laurence*, in the  
*Isle of Thanet*, in the County of *Kent*, as a Chapel of  
Ease to the Church of the same Parish.

Anno tricesimo GEORGII III. Regis.

C A P. LXIV.

p. 1219. THE Preamble sets forth, That *Ramsgate* has of late Years considerably increased, and that it would be a great Convenience to the Inhabitants to have a Place for Divine Worship within the Town: That the Parish Church is a Rectory impropriate within the Diocese of *Canterbury*, and the Archbishop is seised of the same, and the Rev. *Richard Harvey* is the present Vicar: That the Archbishop of *Canterbury*, on Application from the Vicar, and from various Inhabitants, hath approved of having a Chapel of Ease to the Parish Church of *St. Laurence*, erected within the Town: That *John Fagg* of *Ramsgate*, who is seised in Fee Simple of a Piece of Freehold Ground, in *Chapel Place*, has consented to make a Donation of it for the Scite of the Chapel of Ease: That *John Fagg*, *Richard Harvey* the present Vicar of *St. Laurence*, *Joseph Norwood* Esq. *John Holman*, and *John Horn*, have, at their own Expence, erected on the said Piece of Ground a Building intended for a Chapel of Ease, and have furnished the same for that Purpose: To which Expence they have contributed in the Proportions following; viz. *Richard Harvey*, Nine Twentieth Parts; *John Fagg*, Four Twentieth Parts; *Joseph Norwood*, Four Twentieth Parts; *John Holman*, Two Twentieth Parts; and *John Horn*, One Twentieth Part: It is therefore enacted, That the Piece of Ground aforesaid, with the Building erected thereon for a Chapel of Ease, with the Furniture belonging thereto, shall be vested in *Richard Harvey*, *John Fagg*, and *John Holman*, upon Trust to be used as a Chapel of Ease to the Church of *St. Laurence*; and it shall be called *Ramsgate Chapel*; in which, after it is consecrated, Divine Service shall be performed according to the Rites of the Church of *England*.

p. 1222. A Curate shall be appointed in Manner following; viz. the Vicar of the Parish of *St. Laurence* shall, within One Month after

the consecrating of the Chapel, and within Two Months after every future Vacancy; or in case of a Vacancy in the Vicarage, at the Time of a Vacancy in the Chapel, within Two Months from the Day of the Collation to the Vicarage, nominate to the Archbishop of *Canterbury*, a fit Person (which may be the Vicar himself), to be Curate of the said Chapel, who shall be licensed accordingly, if approved of by the Archbishop; to whom, if within the above Time there shall be no Nomination, that Right shall lapse, and from him to the Crown.

The Trustees may nominate a temporary Curate during the Vacancy of the Chapel, who shall receive such Sum, not exceeding 10*l.* by the Month, for performing the Duty there, from the Trustees, and at such Times as the Archbishop of *Canterbury* shall appoint.

The Curate shall reside in the Parish of *St. Laurence*, and be liable to the Penalties of Non-residence; he shall read Prayers Twice every *Sunday*, administer the Sacrament as often as the Law requires, read Prayers in the Morning of every *Wednesday* and *Friday*, from the Beginning of *Lent* to *Michaelmas*, and of all Saints Days; and shall also preach Two Sermons on every *Sunday*, except those *Sundays* on which the Sacrament is administered, and on these he shall preach Once.

The Trustees shall, out of the Profits arising from the Pews, pay to the Curate a yearly Stipend of not less than 84*l.* nor more than 100*l.* by Quarterly Payments, viz. on *Christmas-day*, *Lady-day*, *Midsummer-day*, and *Michaelmas-day*: And in case of a Vacancy in the Curacy, so much of the Quarterly Payment shall be payable to him as shall bear a Proportion to the Time elapsed of that Quarter.

The Vicar shall appoint a Clerk for the Chapel, and the Trustees shall appoint Servants

vants to take Care of it, and to open the Pews, to which Clerk and Servants such Salaries shall be paid as the Trustees shall appoint.

The Trustees may let out the Pews and Seats of the Chapel at such Rents, and under such Conditions, as they think proper.

The Trustees shall keep the Chapel in sufficient Repair, and shall supply it with suitable Furniture.

p. 1227. The Trustees shall receive the Rents of the Pews for the Purposes following; viz. to keep the Chapel in sufficient Repair, to pay the Curate his yearly Stipend, and the Clerk and Servants their Salaries; and to pay the Expence of carrying the Trusts of this Act into Execution; and the Remainder of the Rents, being divided into 20 Parts, shall be paid to the Proprietors in Manner following, viz. Nine Twentieth Parts to Richard Harvey; Four Twentieth Parts to John Fagg; Four Twentieth Parts to Joseph Norwood; Two Twentieth Parts to John Holman; and the remaining Twentieth Part to John Horn.

p. 1228. When any Trustee shall die, become incapable of acting, or shall refuse to act, those remaining shall (with the Consent of

the Archbishop of Canterbury) appoint another in his Stead.

The Trustees shall be answerable for their own Acts only, but shall not be responsible for any Damage which may happen in the Execution of this Trust, unless it shall happen through their own wilful Default; and they shall be reimbursed all their Expences.

Neither the Chapel, with the Premises thereto belonging, nor any Person in respect of any Profit arising therefrom, shall be assessed to any Parochial Rate.

The legal Estate of the Ground and Chapel shall descend to Heirs, according to Common Law.

Nothing herein shall affect the Rights of the Archbishop or Archdeacon of Canterbury, or of the Vicar and Parish Clerk of St. Laurence.

There shall be saved to the King, and all Persons (other than John Fagg, his Heirs, &c.) all such Estate as they might have claimed in the Ground aforesaid, before the passing of this Act.

This Act shall be deemed a Publick one; and all Judges, &c. shall take Notice thereof as such.

An ABSTRACT of an Act to enable the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, to vary the Line of the said Canal Navigation; and to raise a further Sum of Money for the Purpose of compleating the said Canal Navigation; and for other Purposes.

Anno tricesimo GEORGII III. Regis.

# C A P. LXV.

p. 1235. THE Preamble sets forth, That by an Act of 10 Geo. III, for making and maintaining a navigable Cut or Canal, from Leeds Bridge, in the County of York, to the North Lady's Walk, in Liverpool, &c. several Persons were incorporated for these Purposes by the Name of *The Company of Proprietors of the Canal Navigation from Leeds to Liverpool*, and were empowered to raise among themselves 260,000*l.* and likewise, if that Sum was found insufficient for the Undertaking, 60,000*l.* more: That in

making the Canal from *Leeds Bridge* to *Holme Bridge*, from *Liverpool* into the Township of *Parbold*, and in improving the Navigation of the River *Douglas*, which Navigation is by 23 Geo. III, Cap. 47, incorporated with the *Leeds* and *Liverpool* Canal, the Company have expended 300,000*l.* and upwards: That about 56 Miles of the intended Canal remain uncut, by reason whereof the Publick are deprived of the Advantages which would be obtained by finishing it, and opening a short Communication

cation between the Ports of *Hull* and *Liverpool*: And that the Company are desirous of completing the Canal, and have caused the Country to be re-surveyed, whereby it appears that great Difficulties might be avoided, and much Expence saved, by varying a Part of the original Line of the Canal: It is therefore enacted, That the Company may purchase Lands for the Use of the Navigation without incurring any of the Penalties of the Statute of Mortmain; and may make the Canal navigable from *Lomeghaye* out of its original Line, through the several Places called *Marfden*, *Pendle Forest*, *Ighenhill Park*, *Gowthorp* otherwise *Gowthorp*, *Padibum*, *Hapton*, *Altham*, *Clayton*, and *Harwood* otherwise *Great Harwood*, until it communicates with the original intended Canal at *Nab* or *Banks Wood*; and for that Purpose may enter upon the Lands of any Persons, not being a Garden, planted Walk, &c. and make use thereof; and may erect Buildings and other necessary Works thereon, (within the Breadth prescribed by the recited Act of 10 Geo. III.); and also make Roads and Towing-paths, and perform every Thing requisite for completing and carrying on the Navigation, doing as little Damage as possible, and making Satisfaction to the Owners of the Premises used or damaged in the Manner prescribed by the First recited Act.

In making the Canal and Towing Paths from a Place within 100 Yards of *Dean Clough*, until it communicates with the original Canal in the *Nab* or *Banks Wood*, the Company may use any Quantity of Land, not exceeding 120 Yards in Breadth.

All the Powers of the recited Acts in Force, and not hereby altered, shall extend to this Act, and be put in Execution in order to carry its Purposes into Effect.

The Company shall not erect any Building (except such Warehouses and Watch-houses as are authorized to be built by the recited Act of 10 Geo. III.), or use any Water for any other Purpose than for the navigating of Vessels; nor shall they plant any Trees, or build any Warehouses or Wharfs, within 300 Yards of any Mansion, nor on any Garden or planted Walk, nor shall they damage any House without the Consent of the Proprietor, nor cut down any Timber (except such as shall grow in the Lands set out for the Cut); and the Proprietors of the Grounds on which such Timber shall grow, may take it when cut down at the estimated Price, and carry it on the Canal Toll-free; but if it shall not have been estimated separate from the Lands, then at such Price as shall be agreed on, or in case of any Difference, then at such Price as the Commissioners

under the recited Acts shall appoint; and if any Building shall be erected, or any Trees planted contrary hereto, the former Owners of the Lands may remove them.

There shall be Two Parts made of the Plan of the new Line of the Canal, and the Book of Reference, specifying the Names of the Proprietors of the Lands through which it passes, and being certified by the Speaker of the House of Commons, shall be severally deposited with the Register of the Court of Chancery for *Lancashire*, and the Clerk of the Company, to which all Persons may resort and take Copies; and the Clerk shall, on 14 Days Notice, produce the Plan and Book of Reference before the Commissioners, or any Jury to be impanelled by virtue of this Act.

The Company shall not carry the deviating Canal through any other Place than what is delineated in the Plan, except in such Instances as are provided for by this or the first recited Act, without the Consent of the Proprietors of the Premises, or without an Order of the Commissioners at a Meeting held for that Purpose, of which 14 Days Notice shall be given to the Parties interested.

Although the Names of the Proprietors of the Lands through which the Line of the Canal runs, are omitted, or not sufficiently described in the Book of Reference, those Lands shall nevertheless be used, if the Commissioners are satisfied that the same were meant to have been used.

No Water shall be diverted out of the River *Aire*, nor out of the Streams flowing into that River above *Gargrave Bridge*.

When the Canal shall be made navigable between the Two highest Locks on the Head Level, and from thence to *Holme Bridge* or *Skipton Pool*, the Brook called *Howden Beck* shall be made to pass under the Canal into the *Aire*.

The Canal shall not be supplied with any Water out of the River *Ribble*:

Neither shall any Water be taken out of the River *Henburn*.

Nor shall the Company make use of any Stream supplying *Martholme Mill*, within *Great Harwood*; nor alter any Roads belonging to that Mill (unless such Alteration be unavoidable), without the Consent of the Owner.

The Company shall make Stone or Brick Bridges in all Highways over the Canal, the Approaches not to be of greater Ascend than Two Inches and an Half in a Yard in Length; and the Bridges requisite over the Canal already made shall be built within Two Years after the passing of this Act, and such as are required across the Canal hereafter to be cut, shall be erected within One Month

Month after the obstructing of any Highway.

p. 1149. The Company shall be liable to be indicted at Common Law for not making Stone or Brick Bridges in all Highways over the Canal, where they can be made by Approaches not of greater Ascant than Two Inches and an Half in every Yard in Length, within the Time above mentioned; or for not keeping Bridges in Repair; and they shall pay the Costs of all such Prosecutions, on Proof of One Month's Notice being given to the Treasurer, or any of the Clerks.

If it appears to the Company that a Swivel or Wooden Bridge would be more convenient than a Bridge of Stone or Brick, or that the Approach cannot be made, without very great Expence, of less Ascant than Three Inches in a Yard in Length, the Justices in Quarter Sessions, on Application being made to them, shall determine the Matter.

The Proprietor of the Manor of Rufford may make Tunnels through the Banks of the Canal, between Rufford and Sollow Locks, provided no Injury be done to the Canal, except what shall unavoidably happen in placing the Tunnels.

The Company shall not be liable for any Damage done to the adjoining Lands after the Tunnels shall have been made between Sollow and Rufford Locks, in case the Flood Gates are kept shut.

p. 1231. The Tunnels shall not be laid so as to admit the Water of the Canal, when at the Level directed by the recited Act of 23 Geo. III, to be observed between Spark Lane and Fern's Brook.

p. 1232. The Company at any General Assembly, or any Three of a Committee of Nine of the Proprietors, may borrow at Interest 200,000*l.*; and the Company may assign over the Navigations and their Tolls as a Security for the Repayment thereof, in the following Words, or in any other to the like Effect; (*viz.*)

*By virtue of an Act made in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled, [Here set forth the Title of the Act], we, the Company of Proprietors of the said Canal Navigation from Leeds to Liverpool, and of the said Navigation of the said River Douglas alias Alland, incorporated and consolidated together by and under a certain Act made in the Twenty-third Year of the Reign of His said Majesty King George the Third, in Consideration of the Sum of*  
*of lawful British Money to our*  
*Treasurer in Hand paid (and whose Receipt for the said Sum is hereunder written) by*

*A. B. of* do grant, demise, bargain, and sell unto the said A. B. his (or her) Executors, Administrators, and Assigns, the said incorporated Navigations, and all and singular the Tolls, Rates, and Duties arising, or which shall arise, by or from the said Navigations, or either of them, and all the Estate, Right, Title, and Interest, of us the said Company of Proprietors, of, in, or to the same, or any Part thereof (or such Proportions, Parts, and Shares of the said Navigations, Tolls, Rates, and Duties, as the Money intended to be secured thereby shall happen to bear to the said Sum of Two hundred thousand Pounds), to be had and holden from the Day of the Date hereof, until the said Sum of *with Interest for the same, after the Rate of* per Cent. per Ann. shall be paid and satisfied. Given under our Seal, the *Day of* in the Year of our Lord

*R*ceived, the Day and Year last above-mentioned, of and from the above-named A. B. the Sum of *being the Money above expressed to have been paid to me.*

*I. H. Treasurer to the said Company of Proprietors.*

And the Indorsement shall be in this Form, or to the like Effect:

*W*e, whose Names are hereunto subscribed, being of the Committee appointed to borrow Money by virtue of the Act first within mentioned, have consented, and do hereby consent to the within Security, and that the Common Seal of the said Company shall be affixed thereto. Dated this *Day of* in the Year of our Lord

All Persons to whom Securities shall be given, shall be equally entitled to their Proportions of the Navigations and Tolls according to their respective Interests.

A Memorial of every Security shall be entered numerically in a Book to be kept by the Clerk, who shall indorse on every Security the Day of its Entry and Number; which Book may be perused by Persons interested without Fee; and the Securities may be transferred by indorsing thereon, before a credible Witness, the following Words, or others to the like Effect; *viz.*

*I A. B. do assign and transfer this Security, with all my Right and Title to the Premises, and principal Money therein mentioned, and thereby secured, and all Interest now due, or which shall hereafter become due for the same, unto*

unto C. D. of his [or her] Dated  
Executors, Administrators, and Assigns. in the  
this Day of  
Year of our Lord  
Witness E. F.

p. 1255. Which Transfer shall, within 30 Days after its Date, be produced to the Clerk, who shall cause a Memorial thereof to be made in the Book for entering the original Securities, for which he shall be paid 2s.; and after such Entry every Transfer shall entitle the Transferee to the Benefit thereof; and all such Securities and Transfers shall be free from Stamp Duty.

The Interest of the borrowed Money shall be paid half-yearly, before the Company shall receive any Dividend.

So much of the recited Act of 23 Geo. III, as limits the Sum to be borrowed, shall be repealed.

p. 1256. Before any Person claiming any Share of the Profits of the Navigations by virtue of a Marriage or Will, shall receive them, an Affidavit, containing a Copy of the Register thereof, or of the Will or Probate, if these last are neither of them produced, shall be made by some credible Person before One of the Judges at Westminster, a Master in Chancery, or a Justice, and shall be transmitted to the Clerk, who shall file and make an Entry of it.

The General Assembly appointed to be held in Lancashire, shall hereafter be held yearly, on the Third Friday in September.

So much of a Clause in the recited Act of 23 Geo. III, as relates to the advertising the letting or altering the Tolls, shall be repealed; and in future no Lease shall be made, nor shall any Alteration be made of the Tolls at any General Assembly, unless Notice shall have been given, in such Manner as in the said Act is directed, Once every Month in the *Leeds* and *Liverpool* Newspapers, for Four Months, and Twice in the *London Gazette* and *London Daily Advertiser*, before the Assembly shall be held.

The Tonnage per Mile on Coals got in Lancashire and brought into Yorkshires, shall be the same as upon those which come down the *Bradford* Navigation.

p. 1258. The Proceedings of the Commissioners appointed by this or any former Act, shall be regularly entered in Books, and being signed by the Number empowered to make Orders, shall be admitted in Evidence; and the Commissioners for Lancashire, or any Five of them, may appoint, out of Two Persons to be nominated by the Company, a Clerk for that County, who shall be paid for his Trouble by the Company.

Nothing herein shall affect the Jurisdiction of the Corporation of *Liverpool* over the Docks and Harbour there; nor their Privileges or Rights, except those given by the recited Acts.

This shall be deemed a Publick Act; and p. 1259. shall be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for paving, and otherwise improving, the City and Township of *Peterborough*.

Anno tricesimo GEORGII III. Regis.

p. 1263. THE Preamble sets forth, That the Streets in *Peterborough* are not properly paved, cleaned, lighted, or watched, and are subject to various Nuisances; It is therefore enacted, That the Hon. *Lionel Damer*,  
p. 1264. *Richard Benyon*, *Robert Blake*, *Sampson Barber*, *Benjamin Bull*, *Samuel Bowen*, *Thomas Bowker*, *William Bowker*, *Samuel Bowker*, *Henry Cole*, *John Cox*, *John Draper*, *Peter Ellis*, *Henry Freeman*, *William Freeman*, *Thomas Goodman*, *Feast Goodman*, *Na-*

*thaniel Hudson*, *Francis Hopkinson*, *Spencer Madan* D.D. *Rogers Parker*, *John Fish Palmer* M.D. *William Strong* Clerk, *William Drury Skeels* Clerk, *Wright Squire*, *Wright Thomas Squire*, *William Squire*, *John Spolding*, *Joseph Sutton*, *William Smith*, *John Taylor*, *Charles Wright* Clerk, and *John Weddred* Clerk, shall be Commissioners for putting this Act in Execution; and when any Commissioner shall die, or refuse to act, those remaining may elect another; but 10 Days



Days Notice of such Election shall be given by the Clerk, by affixing it on the South Door of the Parish Church, and on the Market Cross.

No Commissioner shall act unless he be in his own Right, or in that of his Wife, in the Enjoyment of a real Estate of the yearly Value of 30*l.* or be Heir Apparent of a Person having One of 60*l. per Ann.* or *p. 1265.* shall be entitled to 500*l.* personal Estate, on Penalty of 50*l.* to be paid to any Person who shall sue for it in any Court of Record, and the Proof of Qualification shall lie on the Defendant.

The Commissioners shall meet in the Town Hall on the Third *Tuesday* after the passing of this Act, between Ten and Two, in order to put it in Execution, and may afterwards adjourn and meet at that, or any other convenient Place; and if a sufficient Number shall not appear at any Meeting to act, those present may adjourn it to another Day; and in case of Neglect to adjourn, the Clerk, by Direction of any Three of the Commissioners, shall call a Meeting, by giving Seven Days Notice in Manner before-mentioned; and at all Meetings they shall defray their own Expences.

The Powers vested in the Commissioners may be exercised by the Majority present at any Meeting consisting of not less than Five, and a Chairman shall be appointed, who shall have the casting Vote, and they shall vote by Ballot, when required by any Two of them; and no Order shall be revoked, except at some Meeting held for that Purpose, of which Seven Days Notice shall be given, and unless a greater Number shall attend than were present when the Order was made. *f. 1266.*

The Proceedings of the Commissioners shall be entered in a Book, and One of them, or their Clerk, shall subscribe his Name to the Proceedings, after which they shall be admitted in Evidence; and such Book shall be open to the Inspection of all Persons interested.

The Commissioners may appoint, during Pleasure, a Clerk, Treasurer, and such other Officers as they find necessary, and allow them Salaries; and they shall take Security from every Treasurer and Collector, for the due Execution of their Office; and every Officer shall (when required) deliver an Account of his Receipts and Disbursements, verified on Oath, if desired, and pay over the Balance in his Hands; and if he refuses to do so, or shall not deliver up, within 14 Days after being thereunto required, all Books and Papers in his Custody, any Justice, on Complaint being made to him, shall determine the Matter in a summary Way, and if, on Confession of the Party, or by the Oath of *f. 1267.*

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a credible Witness, it appears that a Balance remains in his Hands, he shall cause it to be levied by Distress and Sale of the Defaulter's Goods, and for Want of sufficient Distress, or if it appears that he refuses to render a verified Account, or to produce the Books and Papers, the Justice shall commit the Offender to the common Gaol, or House of Correction, until he complies, or compounds with the Commissioners for the Balance due; but no Person committed for Want of Distress shall be detained longer than Six Months. *f. 1269.*

When any Officer shall die, resign his Office, or be incapable of performing his Duty, any Three of the Commissioners may appoint another in his Stead, until a publick Meeting shall be called.

The Pavements, Lamps, and other Things provided for the Purposes of this Act, and all the Soil arising in the Streets, shall be vested in the Commissioners, who may bring Actions, or prefer Bills of Indisment against Persons carrying away or destroying the same; and they may dispose of these Things, and apply the Money to the Purposes of this Act. *f. 1270.*

The Commissioners may pave, cleanse, light, watch, and remove Incroachments from the Streets, make Drains for conveying the Water therefrom, and amend the Roads in the Township, in such Manner as they think proper; and if any Person shall obstruct any Officer or Workman in the Performance of his Duty, he shall forfeit a Sum not exceeding 40*s.*

The Surveyor of the Commissioners may dig for, and carry away Materials for the Purposes aforesaid in and from any Lands in the Parish of *St. John Baptist*, or any Parish adjoining (not being a Garden, &c.), on making Satisfaction to the Owners for Damages; which Satisfaction (in case of Dispute) shall be finally settled by any Two Justices. *p. 1271.*

If any Person shall, without the Consent of the Commissioners, make any Alteration in the Pavement, he shall (within 14 Days after receiving Notice for that Purpose) put it into its former State; and in case of Neglect the Commissioners shall do it at his Expence.

The Commissioners shall provide and affix Lamps in such Parts of the Streets as they think necessary; and if any Person shall wilfully break or damage any Lamp, or extinguish its Light, he shall forfeit a Sum not exceeding 40*s.* besides making Satisfaction for the Damage; or if he shall carelessly break one, and shall not, on Demand, make Satisfaction to the Commissioners for the Damage, any Justice, the Fact being proved, may cause it to be levied by Distress and Sale of the Defaulter's Goods. *p. 1272.*

The Commissioners may contract with any

p. 1273. any Person for the Works authorized to be done; but no Contract shall be made unless 14 Days Notice shall be given in some Newspaper circulated in the City; and in case any Work shall not be sufficiently performed according to Contract, the Commissioners may cause an Action to be brought, in any Court of Record at *Westminster*, in the Name of their Clerk, against the Contractor for the Penalty; but they may compound with the Contractor for the Penalty incurred for such Sum as the Commissioners shall think proper, not being less than the Damage sustained, with Costs.

The Inhabitants shall sweep the Footways before their Houses before 10 in the Morning Twice in every Week (the Days to be fixed by the Commissioners), and lay the Soil on the opposite Side of the Gutters, on Pain of forfeiting a Sum not exceeding

p. 1274. 2 s. 6 d.

The Inhabitants shall, agreeably to Notice from the Commissioners, place their Signs on the Fronts of their Houses, and remove all Penthouses, Spouts, Bulks, and other Encroachments belonging to them respectively; and shall cause the Water to be conveyed from the Roofs of their Houses by Pipes fixed to the Sides thereof; and if any Tenant shall neglect to do so, the Commissioners shall cause the same to be done at his Expence, and, in Default of Payment, it shall be levied by Distress and Sale of his Goods, by Warrant of a Justice; and if

p. 1275.

any Tenant at Rack-rent shall remove any Encroachment at his own Expence, or if it shall be levied on his Goods, he may retain the same out of his Rent; but nothing herein shall extend to the stopping up of any Cellular Window, having no other Way into it, unless the Commissioners provide one.

No Person shall erect any Building to project into the Street, on Pain of forfeiting a Sum not exceeding 10 l.; and the Commissioners shall cause it to be removed.

If any Person shall drive or place on the Footways any Wheel or Carriage, or roll any Cask for 40 Yards, or wilfully ride or drive any Horse or other Beast thereon, or shall slaughter any Beast in the Streets, or hoop or cleanse any Cask, or hew or saw any Stone or Timber, or shoe, farry, or turn loose any Horse, or expose to Sale any Goods in the Streets, or suffer any Cattle to wander, or make Bonfires, or let off any Firework therein, he shall forfeit 5 s.

p. 1276.

If any Carriage (except Stage Waggon when loaded) shall be left in the Street longer than is necessary for loading or unloading, or for taking up or setting down Passengers; or if any Horse shall be suffered to stand at the Door of any Person, so as to obstruct the Passage; or if any Goods, or other Things, shall remain in the Street

longer than necessary for housing them, or if any Almes or other Nuisance shall be laid in the Street, and suffered to remain longer than is necessary for removing the same, the Person offending herein shall forfeit 5 s.; but no Person shall be subject to such Penalty on account of building Materials, or Rubbish occasioned by building, so as a convenient Room be left for Carriages and Passengers to pass, and so as the same are removed when the Work is completed, and while they remain in the Streets, Lights be put against them to prevent Mischief.

Nothing herein shall prevent the holding of Fairs and Markets as heretofore, nor subject any Person to any Penalty for setting up Stalls, or for selling Goods or Cattle therein, and 10 Days before, and Six Days after the proclaiming of such Fairs, shall be allowed for preparing Accommodations; but no Stall shall be set up, or Cattle or Goods be placed in any of the Footways, or within Six Feet from the Center of the Carriage Ways.

If any Person shall shew any Stone-horse in the Streets, he shall forfeit 5 s.

The Commissioners may appoint proper Watchmen, under such Regulations, and for such Wages as they think proper, and provide Places of Reception for them; and the Watchmen shall apprehend all Disturbers of the Peace, and other suspected Persons found wandering or misbehaving during their Watch, and carry them before a Justice.

The Commissioners, with the Consent of the Owners and other Persons interested in any Houses adjoining to narrow Streets, may take them down, and lay the Scites thereof into such Streets to render them commodious, on making Satisfaction for the Property.

The Commissioners may contract with the Proprietors of the Houses in the Passage leading to the *Minster Close* for the Purchase thereof, and lay the Scites of them into the Street; and if any Owner shall not agree for the Sale, the Value of the Premises shall be ascertained by a Jury, at some Quarter Session for *Peterborough*; and the Justices there shall, on Application made to them for that Purpose, charge a Jury accordingly, who shall, by their Verdict, ascertain the same, and the Justices shall give Judgement thereon, which Verdict and Judgement shall be binding on the Parties interested, and shall be kept among the Records of the Quarter Sessions; but, previous to any Application to the Quarter Session, 10 Days Notice shall be given to the other Party; and on Payment of the Purchase Money agreed for or assessed, or (in case of Refusal to accept it) on leaving it in the Hands of the Treasurer for the Use of the Persons entitled thereto, the Premises may be converted into the Purposes aforesaid.

p. 1280.

p. 1281.

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The Commissioners shall yearly fix how much Money (not exceeding 1 s. in the Pound) shall be raised by a Rate on the Occupiers of Houses, and other Premises in the City or Township, according to the annual Value thereof, and the First Rate shall commence on Sept. 29, 1790; and they shall yearly appoint Assessors, who shall assess the Premises according to the Rent at which the Premises are rated in the Parish Books; and the Rate shall be paid half-yearly to the Collectors, who shall pay over the same to the Treasurer; and the Churchwardens, Overseers of the Poor, and the Surveyor of the Highways, shall permit the Assessors to inspect and take Copies of the Rates made for the Relief of the Poor, and for the Repairs of the Church and Highways, on Penalty of 40 s.

p. 128a.

No Rate shall be valid until signed by the Commissioners, who may amend it; and the Assessors shall deliver to them Two Copies of the Rate, when required, and attend the Commissioners or Quarter Sessions, to explain and justify it; and the Commissioners shall transmit a Duplicate of every Rate to the Collector, who shall collect the same accordingly, and pay over the Money monthly, or oftener, to the Treasurer, to whom he shall deliver, at the same Time, a Duplicate of the Rate, with an Account of the Money remaining uncollected (if any), with the Reasons why it has not been paid; but no Person shall be charged with the Rate for any House not of a higher annual Value than 40 s. nor for any Arable or Pasture Land.

p. 128j.

p. 128k.

The Rates shall be borne equally by Landlords and Tenants; but the Tenant shall pay them in the first Instance, and deduct the Landlord's Share out of his Rent.

Nothing herein shall make void any Contract between Landlord and Tenant concerning the paving the Streets; but, in lieu of paving, a Sum shall be charged; and in case any Dispute shall arise concerning the same, the Commissioners shall finally determine it.

Where any House shall be let to different Tenants, the Rate shall be levied by Distress, and Sale of any of the Goods therein; and in case any Tenant shall remove before the Rate is paid, or if his Goods shall be insufficient to pay the Rate; or if any House shall be empty, the Premises shall be chargeable with One Half of such Rate; which may be levied by Distress and Sale of any Goods which shall afterwards be found thereon, or of the Goods of the Owner, if he neglects to pay it for 20 Days after it is demanded; and if the Tenant pays more for Rates than shall be due for Rent, the Overplus shall be made good by the Landlord, on

p. 128l.

whose Goods he may levy it, if Payment is neglected for 10 Days.

No Person shall be deemed the Owner of any House, on Account of any Quit Rent reserved on Lease, not equal to Two Thirds of the annual Value of the House out of which the same shall be payable.

The Commissioners shall not interfere with the Pavement or Roads in the *Minster Close*, or rate the Houses there; nor pave any of the Streets in *Boongate*, or *Boongate Ward*; nor in *Westgate*, farther to the West than the Turnpike; nor make any Rate on the Premises there, except the Composition for Statute Duty, and Highway Rates; but all the Inhabitants within the City and Township shall continue liable to perform Statute Duty.

p. 128j.

If the Trustees of certain Estates in the City applicable to publick Uses, shall, by June 24, 1790, pay to the Treasurer 500 l. to be applied for the Purposes of this Act, they shall be exonerated from all future Expences of repairing the Pavements and lighting the Streets which they have been accustomed to light and pave; but these Estates shall notwithstanding be subject to the Payment of the like Rates as other Premises.

p. 128k.

Tenants, on quitting Premises, or coming into unoccupied Premises, shall pay the Rate in proportion to the Time they shall respectively occupy the same; which Proportions, in case of Dispute, shall be settled by the Commissioners.

If any Person shall neglect to pay the Rate for 10 Days after it is demanded, the Justice may, by Warrant, authorize the Collector to levy it by Distress and Sale of his Goods: But if any Person shall think himself aggrieved thereby, he may apply to the Commissioners at their First Meeting, who may give Relief in the Premises.

p. 128g.

The Commissioners may erect Turnpikes at the following Places, viz. One Turnpike across the Road leading from *Stilton* to *Peterborough Bridge*, over the River *Nene*; One at the Road leading from *Lincoln* to *Peterborough*, at *Boroughbury Lane*, with a Side Bar adjoining thereto, across *Crowthorn Hill*; One in *Westgate*, at the Workhouse; One in the *Cowgate*; and One in *Boongate*, between *Swanpool* and the Common Pound there; and may hire or build a Toll House at each Turnpike; and the Tolls following shall be taken; viz.

p. 128i.

For every Coach or other such Carriage, drawn by Three or more Horses, 9 d.; by Two Horses, 6 d.; and by One Horse, 3 d.: For every Waggon or other such Carriage, drawn by Six or more Horses, 8 d.; and drawn by a less Number than Six, 3 d.:

For

For every Cart, or such like Carriage, 2*d*.  
 For every Horse, &c. ridden, or carrying  
 a Burthen, 1*d*.; if led or driven,  $\frac{1}{2}$  *d*.  
 For every Drove of Oxen or Neat Cattle,  
 5 *d*. per Score:  
 And for every Drove of Sheep or Swine,  
 2 *d*. per Score.

p. 1291. Which Tolls, if Payment is refused, may be levied by Distress of the Carriage or Cattle, or of the Goods of the Defaulter; and if not redeemed in Four Days the Distress may be sold.

Toll shall be demanded but Once a Day, to be computed from 12 at Night to 12 in the succeeding Night, for passing and repassing through the Turnpikes, if a Ticket denoting its having been paid once shall be produced.

Persons changing Horses, &c. or returning in the Forenoon, after having stoppt all Night, shall not be subject to pay a Second Toll on repassing through the Gates.

p. 1292. No Toll shall be taken for Carriages or Cattle coming to or returning from Fairs in the City, or in the Parish of *Fletton*, on the Days on which they are held, and not travelling into or from the City from or to any other Parish, or from any Inhabitant of the Parish of *St. John Baptist, Peterborough*, or of the *Minster Close of Peterborough*, for Cattle or Carriages kept there (except on Sundays, and also except for such of their Cattle and Carriages as shall be travelling for Hire); nor for any Carriages employed in carrying Materials for building, or for repairing Roads, within the Parish of *St. John Baptist*, or the City, or in the Carriage of Manure, or in the carrying of Hay or Corn in the Straw, belonging to the Inhabitants not then for Sale, or in carrying any Implements of Husbandry; nor for Cattle going to or returning from Water or Pasture, or for any Carriage or Horse carrying any Person to or from Church on Sundays, or attending the Funeral of any Person who shall die and be buried in the said Parish of *St. John Baptist*, or *Minster Close*, or carrying any Clergyman going about his parochial Duty; or for any Carriage or Horses employed in conveying the Mails, or in the Conveyance of Vagrants; or for any Horses belonging to Soldiers on Duty, or for any Horses employed in carrying their Baggage: But if any Person shall claim any of these Exemptions, not being entitled thereto, he shall forfeit 20*s*.

p. 1293. If any Person shall pass with any Cattle or Carriage through any adjoining Land, or shall counterfeit, or deliver to or receive of any other Person any Ticket, with Intent to evade the Toll; or if any Person shall suffer any one to pass with any Cattle or Carriage

through his Lands, with a like Intent, he shall forfeit 40*s*. One Half to be paid to the Informer.

The Commissioners may compound for the Tolls with any Inhabitant within Ten Miles of the City, for such annual Sum as they think proper; and may also compound with any Parish or Place, within the Limits aforesaid, for the Tolls which its Inhabitants are liable to pay, for any annual Sum not exceeding 40*s*. nor less than 20*s*. for each Parish or Place; which Compositions shall be paid in Advance; but these shall not exempt any Carriage or Cattle of such Inhabitants, when travelling for Hire, or on a Sunday, except those Matters shall be agreed for.

After Sept. 29, 1790, the Office of Surveyor of the Highways within the Township of *Peterborough* shall be executed by the Surveyor appointed by the Commissioners.

The Commissioners may borrow at Interest any Sum for the Purposes of this Act, and assign the Rates and Tolls as a Security; and every Assignment shall be in the Words or to the Effect following; (*viz.*):

*By virtue of an Act of Parliament passed in the Thirtieth Year of the Reign of King George the Third, intituled, [set forth the Title of the Act], we of the Commissioners appointed by or in pursuance of the said Act, in Consideration of the Sum of advanced and lent by A. B. upon the Credit and for the Purposes of the said Act, do grant and assign unto the said A. B. his Executors, Administrators, and Assigns, such Proportion of the Rates or Assignments and Tolls arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or charged upon the Credit of the said Act, to be had and bolden from this Day of in the Year until the said Sum of with Interest at per Cent. per Ann. for the same, shall be repaid and satisfied.*

The Money to be borrowed shall not exceed 4,500*l*. and no Assignment shall be made for less than 100*l*.; and all Persons entitled to such Assignments shall be Creditors on the Rates and Tolls in an equal Degree; but before any Money shall be borrowed, 14 Days Notice shall be given in some Newspaper circulated within the City.

The Persons entitled to Securities may transfer them, in the Words or to the Effect following; (*viz.*):

I A. B.

*I A. B. being entitled to the Sum of secured to C. D. his Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment, bearing Date the Day of of the Commissioners acting in the Execution of a certain Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [set forth the Title of the Act], upon the Credit, or arising out of the Rates or Assignments and Tolls granted by the said Act, do hereby transfer all my Right and Title in and to the same, and the principal Money and Interest now due and to grow due thereon, unto E. F. his Executors, Administrators, and Assigns. Dated the Day of*

to be otherwise disposed of, be applied for the Purposes of this Act; and for Want of sufficient Distress the Justice shall cause the Offenders to be committed to Gaol or the House of Correction for a Time not exceeding Three Months.

In all Actions any Inhabitant shall be admitted to give Evidence.

If any Person shall think himself aggrieved he may appeal to the Quarter Session for Peterborough within Six Months thereafter, on giving 14 Days Notice to the Clerk or Treasurer, and within Four Days after such Notice, entering into a Recognizance before a Justice to abide the Order of the Quarter Sessions; and the Justices shall finally determine the Matter.

No Action shall be commenced until 21 Days Notice shall be given to the Clerk or Treasurer, nor after Tender of sufficient Satisfaction hath been made, nor Six Months after the Fact committed; and every Action shall be tried in Northamptonshire; and the Defendant may plead the General Issue, and give the Special Matter in Evidence, and that the same was done in pursuance of this Act: And if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; and on such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action, or if, on Demurrer, Judgement be given against the Plaintiff, the Defendant shall recover Treble Costs.

This shall be deemed a Publick Act; and shall be judicially taken Notice of as such, by all Judges, &c.

And Copies of Assignments and Transfers shall be entered in a Book, which any Person interested may inspect without Fee; and for the Entry of every Transfer the Clerk shall be paid 1s.; and after Entry of the Transfer, the Transferee shall be entitled to the Benefit thereof.

Out of the Money arising hereby the Commissioners shall, in the First Place, pay the Expence of obtaining this Act; and afterwards it shall be applied in paying the Interest of the borrowed Money, and in defraying the Expence of paving, &c. the Streets, and the other Expences of carrying this Act into Execution.

All Penalties (the Manner of recovering whereof is not hereby otherwise directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice for Peterborough; and shall, if not directed

p. 1303. An ABSTRACT of an Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and publick Passages and Places, within the City of *Durham*, and Borough of *Framwelgate*, and the Suburbs thereof, and Streets thereto adjoining; for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein; for widening and rendering more commodious several of the said Streets, Lanes, Ways, and publick Passages and Places; and for regulating and improving the Markets within the said City and Suburbs.

Anno tricesimo GEORGII III. Regis.

## C A P. LXVII.

p. 1304. THE Preamble sets forth, That it will be of great publick Convenience, if the Streets of *Durham* and *Framwelgate* were properly paved, cleansed, lighted, watched, and widened: It is therefore enacted, That Sir John Scott Knight, Chancellor of *Durham*; John Lee Esq. Attorney General, Christopher Fawcett Esq. Solicitor General, to the Bishop of *Durham*; the Rev. Doctor Dickens, the Rev. Sir Henry Vane Bart. the Rev. Dr. John Sharp, the Rev. Doctor Ogle, the Rev. Doctor Pointz, the Rev. Dr. Dampier, the Rev. Charles Weston, the Rev. Doctor Cooper, the Rev. Henry Egerton, the Rev. Phipps Weston, the Rev. Doctor Fathergill, and the Rev. Francis Egerton, Prebendaries of the Cathedral Church of *Durham*; Sir John Eden Bart. and Sir Thomas Clavering Bart. Representatives in Parliament for the County; John Tempest Esq. and William Henry Lambton Esq. Representatives for the City; George Finch Esq. Mayor; William Ambler Esq. Recorder; John Drake Bainbridge, Ralph Bowser, Richard Shuttleworth, William Kirton, John Starforth, Christopher Hopper, John Potts, William Archer, John James, Thomas Chipchase, William Shields, and Gilbert Starforth, Aldermen; the Rev. Cooper Abbs, Jonathan Airey, Edward Aiskell, Christopher Allan, George Allan, Robert Allan, Robert Allan the younger, the Rev. William Allston, John Andrews, George Appleby, Sir William Appleby Knight, William Archer, Stephen Arrowsmith, Henry Askew, Thomas Auston Clerk, Thomas Auston, George Baker, the Rev. William Baverstock, Thomas Bertie, Calverley Bewick, Wilson Bewick D.D. Robert Biss, William Blakiston, Robert Blakiston, Thomas Davison Bland, the Hon. George Lym Bowes, the Hon. Thomas Lyon Bowes, Thomas Bowes of Bradley, Peter Bowlby LL.D. John Bowlby, George Boyd, Charles Brandling, Charles Brandling the younger, Ralph Brandling, Thomas Stonbrower Bright, James Britton Clerk, George Brown, George Brookes, James Bullock, Rowland Burdon, Smith Burke, John Burlison, Robert Burrell, Thomas Byers, John Carr, Samuel Castle, Nicholas Chilton, George Clavering, William Darlas Clerk, Edward Davison Clerk, James Deacon Clerk, Robert Dabson, Watson State Donnison Clerk, Nicholson Doubleday, Henry Doubleday, Benjamin Dunn, Benjamin Dunn the younger, Thomas Dunn, John Ebdon, Thomas Ebdon, Sir Frederick Morton Eden Bart. Robert Eden, Ralph Eden, John William Egerton, Jeffery Ekins D.D. John Walton Elliott, William Einn, Marmaduke Featherstonhaugh, John Ralph Fenwick M.D. George Fenwick, David Burton Fowler, John Garth, Thomas Gibbon, John Goodchild, William Green, Joshua Greenwell, Bowes Grey, Chipchase Grey, John Griffith, Anthony Hall, Ralph Harrison, Dickens Haslewood Clerk, Thomas Haswell, Thomas Hays Clerk, John Hays, Christopher Hill, William Hoar, John Hodgson, George Hodgson,



son, John Hagg, Hendry Hopper, Christopher Hopper, Thomas Hopper, Richard Hopper, John Hudson, John Hunter, George Hunter Clerk, Timothy Hutchinson, William Hutchinson, John Hutchinson Mercer, John Hurdon Clerk, Henry Ibbelton, Francis Johnson, Richard Kirton, the Rev. Robert Lamb, Ralph Lambert, General John Lambton, Ralph John Lambton, Thomas Lampson, Sir John Lawson, Lewis Legg, John Leighton, William Leighton, Sir Henry George Liddell, the Hon. Thomas Lyon, Christopher Thompson Maling, John Maling, John Marshall, Jacob Maude, John Metcalfe, Francis Mewburne, Ralph Milbanke, John Milbanke, Thomas Miller, Henry Mills, Henry Mills the younger, George Moibray, Sir Thomas Heron Myddleton Bart. the Rev. Nesfield, John Nelson, John Nefham, Christopher Nefham, Thomas Nicholson, Abraham Oliver, Ralph Ord, Henry Orton, George Ovington, the Rev. Edward Parker, John Pattison, William Paxton, Robert Paxton, William Pearce, George Pearson, James Pearson, Stephen Pemberton M. D. Richard Pemberton, Sir George Pocock K. B. George Pocock, Benjamin Pye LL. D. the Rev. Robert Rawling, Richard Rawlings, William Ulrich Reay, William Reynolds, James Richards, John Richardson, Thomas Richardson, Sir Matthew White Ridley Bart. Nicholas Ridley, Henry Ridley Clerk, William Robinson, Ralph Robinson, George Robinson, the Rev. John Robson, John Robson, Robert Routledge, William Rudd, William Russell, Thomas Salkeld, William Salvin, Anthony Salvin, Richard Scruton, Ralph Shepherdson, Robert Shafto, Thomas Goddard Shafto D. D. William Shotton, Thomas Simpson the younger, Charles Siegh, Francis Smalci, Charles Spearman, Robert Spencer, William Stephenson, Anthony Story, the Right Hon. John Bowes, Read Story, the Right Hon. John Bowes, Read Surtees, Robert Surtees, George Sutton, Thomas Taylor, John Taylor, John Tempest the younger, Sir Charles Turner, the Rev. Samuel Viner Clerk, James Wallace M. D. Thomas Reed Ward, John Ward, William Ward, Christopher Wardell, the Rev. Watson, Thomas Watson, the Rev. Robert Waugh, John Wear, John Wild, George Winter, Thomas Wharton M. D. Robert Wharton, Richard Wharton, William Wharton, John White, Jonathan White, Ralph White, Richard White, Sir Hedworth Williamson Bart. Robert Hopper Williamson, Willis, Henry Wilkinson, Thomas Wilkinson of Coxhoe, Thomas Wilkinson of Brancepeth, Thomas Wilkinson of Old Elvet, John Williamson of Stockton, Matthew Wood, George Wood, and John Wright, shall be Commissioners for putting this Act in Execution.

No Commissioner shall act unless he is entitled, either in his own Right, or in that

of his Wife, to a Real Estate of the yearly Value of 20*l.* or possessed of 500*l.* Personal Estate; and if any Person, not so qualified, shall presume to act as a Commissioner, he shall forfeit 50*l.* to the Prosecutor; and the Proof of Qualification shall lie on the Defendant.

No Commissioner shall act (except in administering the Oaths) until he takes and subscribes, before Seven of the Commissioners, p. 1308. the following Oaths:

*I A. B. do swear, That I am truly and bona fide, in my own Right, or in the Right of my Wife, seized of or entitled to Messuages, Lands, Tenements, or Hereditaments, either for my own Life, or the Life of some other Person, or of some other greater or better Estate therein, of the clear yearly Value of Twenty Pounds above Repizes, or am possessed of or entitled in my own Right to a Personal Estate of the Amount of Five Hundred Pounds, clear of all Deductions.*

*So help me GOD.*

*I A. B. do swear, That I will truly and impartially, according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act, passed in the Thirtieth Year of the Reign of His Majesty King George the Third, [here insert the Title of the Act].*

*So help me GOD.*

The Commissioners, or any Seven of them, shall meet at the Guildhall of the City, on June 24, 1790, between 10 in the Forenoon and Two in the Afternoon, in order to put this Act in Execution, and shall elect a Chairman; and shall afterwards adjourn and meet at that or any other convenient Place; and all their Proceedings shall be had at public Meetings, of which 10 Days Notice shall be affixed on the Door of the Cathedral Church, and every Parish Church in the City; and if Seven shall not attend at any Meeting, the Chairman shall adjourn it to any other Day, not exceeding Three Weeks; but if the Chairman be not present, the Clerk shall adjourn it; and they shall, at their Meetings, pay their own Expenses; and no Commissioner shall be capable of holding any Office of Profit under this Act.

The Commissioners shall, on the First Wednesday in January yearly, elect a Chairman, and no Proceeding of theirs shall be valid, unless the Chairman shall be present, with Six of the Commissioners; and the Chairman shall have the casting Vote; and no Commissioner shall be capable of voting in any Case where he is personally interrelated.

If the Chairman shall neglect or be unable to

to attend (Oath being made that Notice was given him), any Seven Commissioners may elect another.

p. 1311. Within a Year after the Death of any Commissioner, or Notice of his Disqualification, or Refusal to act, any Seven may elect another in his Stead.

No Commissioner shall vote for the Removal or Appointment of any Officer, if he has not acted at a publick Meeting within 12 Months.

Commissioners who are in the Commission of the Peace for the County of *Durham*, may act as Justices in the Execution of this Act.

p. 1312. The Commissioners may appoint a Treasurer, Clerk, and other Officers; and may remove them (on giving them 20 Days Notice), and appoint others in their Stead; Salaries shall be allowed them, and Security shall be required for the due Execution of their Offices.

Persons liable to pay the Rates hereby granted, shall pay them to the Collectors; and the Officers shall deliver to the Commissioners Accounts of all their Receipts and Payments, and of the other Matters committed to their Charge, and pay over the Balance in their Hands; and if any Officer shall not render his Account, or refuses to verify it on Oath, or to deliver up his Books and Papers, within 10 Days after being required, or shall neglect to pay over the Balance aforesaid, the Commissioners may bring an Action in any Court of Record at *Westminster*, or Court of Pleas at *Durham*, against the Defaulter, or his Sureties, for the Money due; or if Complaint be made to any Two Justices for the County, they shall determine the Matter in a summary Way; and if it appears to them that any Balance is due, the Justices may cause it to be levied by Distress and Sale of the Defaulter's Goods; and, for Want of sufficient Distress, shall commit him to Gaol, or the House of Correction, until he renders an Account, and makes Payment as aforesaid, or compounds with the Commissioners, and delivers up the Books and Papers.

p. 1315. When any Collector shall die, resign his Office, or be incapable of performing his Duty, any Seven Commissioners (of whom the Chairman shall be One), although not assembled at any publick Meeting, may appoint another, until a publick Meeting is held.

If any Collector shall die, or become Bankrupt, before he pays over his Balance, his Executors, &c. or Assignees, shall, in the first Place, out of his Effects, pay such Balance to the Treasurer; or in Default of Payment for One Month, the Commissioners may bring an Action in any Court of Record at *Westminster*, or Court of Pleas at *Durham*, for Recovery thereof.

If any Officer shall take any Fee, not allowed by this Act, or shall be concerned in any Contract under it, he shall be incapacitated, and shall forfeit 50*l.* to any Person who shall sue for the same.

The Proceedings of the Commissioners p. 1317. shall be entered in proper Books, with the Names of those who qualify; and One of them, or their Chairman, shall sign the Proceedings, after which they shall be good Evidence; which Books may be inspected by all Persons interested.

After June 24, 1790, the Office of Surveyor of the Highways for any Parish within *Durham* or *Framwelgate*, having no publick Roads, excepting such as are subject to the Regulations of this Act, shall cease.

The Treasurer shall pay the Money received by him according to the Order of the Commissioners, and he shall keep regular Entries of all Receipts and Payments, and his Accounts shall, on the First *Wednesday* in *January* yearly, or at the First Meeting of the Commissioners following, be audited, and, if found just, certified by them.

The Commissioners shall yearly raise such Sum as shall be necessary, by a Rate not exceeding 8*d.* in the Pound, on the Occupiers of Houses and Premises within *Durham* and *Framwelgate*, and their Suburbs, according to the annual Value thereof (the Houses in the College and Castle of *Durham* excepted); and the First Rate shall commence from May 12, 1790; which Rates shall be paid p. 1319. Quarterly; and in order to make them, the Churchwardens and Overseers of the Poor shall permit any Officer of the Commissioners to inspect the Poor Rates, and to take Copies, on Penalty of 40*s.*

The Rates shall be borne equally by the Proprietors and Tenants; but the whole Rates shall be collected from the Tenants, who may deduct the Landlord's Half out of their Rents.

If any Tenant shall be excused from Payment of the Poor Rate, he shall pay only One Half of the Rate under this Act, which he may deduct out of his Rent.

After June 24, 1790, the Occupiers of Premises in the Townships of *Cressgate* and *Framwelgate*, and *Elvet* in the Parish of *St. Oswald* and *St. Giles*, who are assessed not only to the Repair of the Streets to be paved under this Act, but to all Highways within the Townships, shall be discharged from such Proportion of the Rates hereafter to be made for the Repair of the Highways as shall appear to have been expended (on an Average Estimate of the Expence of the last Three Years, ending at *Lady-day* 1790), in the Repair of the Streets intended to be included in this Act; and in case of Dispute, it shall p. 1321. be referred to two Surveyors; and if they disagree,

disagree, they shall, within Three Months from the Reference, choose a Third, whose Determination shall be final.

This Act shall not subject any Farm to the Payment of the Rate.

If the Occupier of any Premises shall neglect to pay the Rate for 14 Days after it is demanded, any Justice for the County shall cause it to be levied by Distress and Sale of his Goods.

p. 1322. The Commissioners shall yearly appoint Assessors of the Rates, who shall rate all Premises according to their respective Rents.

The Commissioners may amend the Rates if any Person is omitted or under-rated; provided the new Rate does not exceed in Proportion the Assessments to the Poor in the

p. 1323. Three preceding Years; and the Commissioners may strike out the Name of any Person not liable to the Poor Rate.

No Rate shall be valid until signed by the Commissioners; and the Assessors shall, when required, deliver to them Two Copies of the Assessments, and attend them to explain and justify it; and the Collectors shall, on receiving a Duplicate of the Rate, with an Order from the Commissioners, proceed to collect the same; and every Collector shall monthly, or oftener if required, pay over the Money collected by him, to the Person appointed to receive it, to whom he shall deliver, at the same Time, a Duplicate of the Rate, with an Account of the Money uncollected (if any), with the Reasons why it had not been collected.

If any Occupier shall remove before the Rate is paid, or if his Goods are insufficient to defray it, the Premises shall be chargeable with One Half of the Rate, which may be levied by Distress and Sale of any Goods found thereon, or of the Goods of the Owner if he neglects Payment for 30 Days; and if any Occupier shall pay to the Collector more Money on Account of the Rates than shall be due from him, the Overplus may be levied on the Goods of the Owner of the Premises, by Warrant of a Justice for the County, if he refuses Payment for 10 Days.

p. 1326. Tenants on quitting Premises, or coming into unoccupied Premises, shall pay the Rate in Proportion to the Time they occupy the same.

If any Person shall think himself aggrieved by any Rate, he may apply to the Commissioners, within 21 Days thereafter, or their next Meeting, and they may give such Relief in the Premises as to them shall seem reasonable.

p. 1327. From June 24, 1790, there shall be paid at the Turnpikes to be erected by virtue of this Act, the following Tolls; (viz.)

For every Coach, or other such Carriage,

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or Hearse, drawn by Six Horses, 1 s. 6 d.; drawn by Four Horses, 1 s.; drawn by Three Horses, 6 d.; and drawn by Two Horses, 4 d.:

For every Chaise, or Chair, drawn by One Horse, 2 d.:

For every loaded Waggon, drawn by Eight Horses, 1 s. 4 d.; and drawn by Six Horses, 1 s.:

For every loaded Cart, or Carriage, drawn by Four Horses, 6 d.; drawn by Three Horses, 4 d.; drawn by Two Horses, 3 d.; and drawn by One Horse, 2 d.:

For every empty Waggon, 4 d.:

For every Horse, laden or unladen, and not drawing,  $\frac{1}{2}$  d.:

For every Drove of Cattle, 3 d. for every Score:

For every Drove of Calves, Swine, or Sheep, 1  $\frac{1}{2}$  d. for every Score:

Which Tolls shall be taken (exclusive of all other Tolls now payable), and the Money arising therefrom shall be vested in the Commissioners. p. 1328.

If any Person shall neglect to pay the Tolls, the Collectors may levy them by Distress of his Carriage, Horses, or Goods, which if not redeemed in Four Days, the Distress may be sold for Payment, with Costs; which Tolls shall be collected within the Streets.

Instead of collecting the Tolls in the Streets, the Commissioners may erect Two Turnpikes on the Great North Road, one to the South of the City, and the other to the North; and any other Turnpikes in or near the City, so as none be erected at a greater Distance from the Toll Booth than Two Miles, except One at Red Brier, for the Purpose of collecting the Tolls there; and the Turnpikes and Toll Houses to be erected shall be vested in the Commissioners, who may bring Actions, or prefer Indictments against Persons injuring the same. p. 1329.

No Toll shall be taken for any Horses or Carriages employed in conveying the Mails; or laden with Coals, Lime, Manure, Corn, or the Straw, Hay, or Materials for the Purposes of Agriculture, or with Milk; or for any Horses or Cattle going to and from any Ground near the City, occupied by Persons living therein: Nor shall any Stage Waggon carrying Goods: for Hire to or from Newcastle and Stockton upon Tees, which shall come into the City, and pay the Toll, be liable to pay it on the ensuing Day; and no Stage Waggon or Cart, travelling between the City and Sunderland, carrying Goods, which had been brought into the City before, shall be liable to pay the Toll. p. 1330.

No Person shall be charged with the Toll more than Once a Day (to be computed from

12 at Night to 12 in the succeeding Night), for passing and repassing through the City, or its Turnpikes, with the same Carriages, and Cattle, if he produces a Ticket that he has paid it before.

p. 1331. When the borrowed Money shall be paid off, and the Rates aforesaid shall be sufficient for answering the future Purposes of this Act, the Tolls shall cease.

The Commissioners at any Meeting, on 14 Days Notice being given in One of the Newspapers published in Newcastle upon Tyne, may lease the Tolls for any Term not exceeding Three Years; and the Lessee shall always pay One Quarter's Rent in Advance.

p. 1332. The Commissioners may borrow at Interest any Sum, and assign the Tolls as a Security; and every Assignment shall be in the Words, or to the Effect following; (viz.)

**B**y virtue of an Act passed in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled, [Set forth the Title of the Act], we

being of the Commissioners appointed by and in pursuance of the said Act, in Consideration of the Sum of this Day advanced and lent by A. B. upon the Credit, and for the Purposes of the said Act, do grant, bargain, sell, and demise unto the said A. B. his or her Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or charged upon the Credit of the Tolls granted by the said Act; to be had and holden from this Day of

until the said Sum of with Interest at per Cent. per Ann. for the same, shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord

p. 1333. And all Persons to whom Assignments shall be made, shall be Creditors on the Tolls in an equal Degree.

The Commissioners may raise Money by Life Annuities, by way of Tontine or otherwise, so as no such Annuity shall exceed 10 per Cent. of the Purchase Money, and so as the Money to be raised on Mortgage, and by Annuities, do not exceed 10,000l.; and the Grant of every such Annuity shall be in the Words, or to the Effect following; (viz.)

**W**E being of the Commissioners appointed by or in pursuance of an Act, made in the Thirtieth Year of the Reign of King George the Third, intituled, [Set forth the Title of the Act], in Consideration of the Sum of

this Day paid by C. D. of the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said C. D. his [or her] Executors, Administrators, and Assigns, an Annuity or yearly Sum of

out of the Tolls granted or arising by virtue of the said Act; which Annuity or yearly Sum of

shall be paid to the said C. D. his [or her] Executors, Administrators, and Assigns, at the Town Hall of the said City of Durham, upon the Day of and the Day of in every

Year during the natural Life of and the First Payment thereof shall be made upon the Day of next ensuing the Date of the

Presents.

In Witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord

And every Annuity shall be payable free from Land Tax out of the Tolls, during the Life of the Nominee; and shall, as also the Interest on every Mortgage, be paid half-yearly.

Before any Money is borrowed, 14 Days Notice shall be given thereof, by Advertisement in One of the Newspapers published at Newcastle upon Tyne.

Securities for borrowed Money, and Annuities, may be transferred; which Transfers may be in the Words, or to the Effect following; (viz.)

**I** A. B. being entitled to the Sum of [or an Annuity of] secured to me, my Executors, Administrators, and Assigns, by virtue of a Mortgage or Assignment [or Grant of Annuity] bearing Date the Day of under the Hands and Seals

being of the Commissioners acting in the Execution of a certain Act made in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled, [set forth the Title of the Act], upon the Credit of the Tolls granted by the said Act, do hereby transfer all my Right and Title in and to the same, and all interest or other Money now due and owing thereon, unto C. D. his [or her] Executors, Administrators, and Assigns.

Witness my Hand and Seal, the Day of in the Year

And all Mortgages, Grants of Annuities, and Transfers, shall be entered in a Book, which may be inspected by any Person interested without Fee; and for every Transfer the Clerk shall be paid 1 s.; and after Entry

is made thereof, the Transferee shall be entitled to the Security transferred.

The Money arising hereby shall be vested in the Commissioners, who shall, in the first Place, pay the Expence of obtaining this Act; and in the next Place shall pay the Interest of the borrowed Money, and the Annuities, and the Remainder shall be applied for the Purposes of this Act.

The Commissioners may contract with the Proprietors of the Houses and Premises specified in the Schedule annexed, for the Purchase thereof; and may take down such Houses, and lay the Sites thereof into the Streets, and otherwise appropriate the Ground to such Uses as will best answer the Purpose of this Act.

But before any Purchase is made, Eight Days Notice shall be given in One of the Newspapers published at *Newcastle upon Tyne*; and no Houses shall be pulled down, or Grounds thrown open, unless Three Months Notice shall be given to the Owners or Occupiers.

In case any House shall be damaged in the taking down of any of the Houses aforesaid, the Commissioners shall make Satisfaction to the Owner, which, in case of Dispute, shall be settled by a Jury.

All Bodies Politick, &c. Trustees, and other Persons possessed of, or interessed in the Houses and Grounds aforesaid, may sell and convey the same; and all such Sales and Conveyances shall be good in Law.

If any Person shall, at the Expiration of One Month after receiving Notice, neglect to treat, or shall not agree for the Sale of the Premises, or, by reason of Abience, shall be prevented from treating, the Commissioners shall cause the Value thereof to be ascertained by a Jury, for which Purpose Witnesses shall be summoned before them, and they shall be empowered to view the Premises; and after the Jury shall have settled the Recompence, the Commissioners shall give Judgement accordingly, and order the Money to be paid to the Owners.

For the summoning such Jury, the Commissioners shall issue their Warrant to the Sheriff of the County of *Durham*, requiring him to summon and return 48 Persons to appear before them; and the Names of the Persons so returned shall be written on Pieces of Papers, and put into a Box, and the first 12 Persons drawn shall be Jurymen; and they shall be sworn before the Mayor, the Chairman, or a Justice for the County.

The Parties interessed in the Inquest may challenge the Jurymen when they come to be sworn, but shall not challenge the Array.

The Commissioners may impose any reasonable Fine, not exceeding 5*l.* on the Sheriff, Jurymen, or Witnesses, making De-

fault in the Premises; and the Sheriff shall be allowed 2*s.* for returning the Jury, and each Jurymen shall be paid 2*s.* 6*d.* a Day for his Attendance.

If the Jury shall give in a Verdict for a greater Recompence than what shall have been offered by the Commissioners, the Expence of the Inquest shall be paid out of the Money arising by this Act; but if a Verdict shall be given for no more, or for a less Sum, the other Party shall pay it.

On Payment of the Purchase Money, the Persons entitled thereto shall execute Conveyances of the Premises; and if any Person shall not evince a clear Title to them, or shall refuse to convey the same, or if the Person entitled thereto cannot be found, or if, by reason of Disputes, it shall not appear who are entitled to the Premises, the Commissioners may invest in their Names, in some of the Publick Funds, the Purchase Money; and shall execute a Deed, declaring that they hold the Money in Trust for the Persons entitled thereto; which Deed shall be registered among the Records of the Quarter Sessions for *Durham*; and thereupon all Estate and Interest in the Premises of the Persons for whom the Money is so invested, shall vest in the Commissioners.

On Payment made for the Premises, the Commissioners may convert the same to the Purposes of this Act.

Although Part of a House only may be necessary for the Purposes of this Act, yet, if the Owner shall be desirous to sell the Whole of it, and shall give Notice thereof, the Commissioners shall be obliged to purchase the same.

Purchase Money to be paid to any Body Corporate, &c. or Trustee, shall be paid to some Person, in Trust, to be laid out in the Purchase of other Premises, which shall be settled to the like Uses as those taken for the Purposes of this Act; and in the mean Time shall be placed out in the Publick Funds, in the Names of Two Persons, one to be nominated by the Party interessed, and the other by the Commissioners; and the Interest shall be paid to the Persons entitled thereto.

Misnomers, or wrong Description of Premises in the Schedule, shall not prevent the Execution of the Act.

The Commissioners may sell any Piece of Ground, which they may not have Occasion to use; and the Person of whom it was bought shall have the first Offer, and if they cannot agree about the Price, it shall be settled in Manner aforesaid by a Jury; and the Commissioners may lay out in what Manner new Houses shall be erected thereon.

The present and future Pavements, Drains, and Lamps in the Streets, and all Things provided for the Purposes of this Act, shall

be

be vested in the Commissioners, who may bring Actions against any Person carrying away or injuring the same; and they may dispose of the old Materials.

The Commissioners shall pave, light, and cleanse the Streets, and alter the Drains, in such Manner as they think proper, and, where practicable, shall pave the Foot Paths with Flag Stones, and shall remove all Nuisances and Incroachments.

The Commissioners may contract with any Person for performing these Things, which Contracts shall specify the Works to be done, the Prices to be paid, and the Time when they shall be completed, and the Penalties in case of Nonperformance; but previous to the making of any Contract, 14 Days Notice shall be given in One of the Newspapers published at *Newcastle upon Tyne*, that Persons may give in Proposals.

The Works shall be inspected by the Commissioners Surveyor, and if the same shall not be performed according to Contract, an Action may be brought in any Court of Record at *Westminster*, or Court of Pleas at *Durham*, for the Penalty and Damages.

The Surveyor may dig for and carry away any Stones (Flag Stones and Curb Stones excepted), or other Materials for repairing the Streets, in and from any Common within Three Miles of the City, without making any Compensation for the same; and also Flag and Curb Stones, making Compensation for the same, on filling up the Pits or fencing them off; and he may take such Materials from private Lands (not being a Garden, or Avenue to any House, &c.) on making reasonable Satisfaction for Damages.

If any Person shall obstruct any Officer or Workman in the Performance of his Duty, he shall, for the First Offence, forfeit 20s.; for the Second, 30s.; and for every other Offence, 3l.

No Person shall make any Alteration in the Pavement without the Consent of the Commissioners, on Penalty of 10l.

Nor make, without Leave, any Drain into the publick Sewers, on Penalty of 20l.

Private Drains, which communicate with the publick Sewers, shall be repaired under the Inspection of the Surveyor, at the Owner's Expence: And where any Part of the Streets, Bridges, or Drains, have been accustomed to be repaired and cleansed by any particular Persons, the same shall continue so, under the Direction of the Surveyor.

The Commissioners may agree with any Person for a yearly Sum, or otherwise, for the paving, &c. the Streets; and in case any Difference shall arise, concerning the Persons liable to repair the Streets aforesaid, or the Manner in which they are to be re-

paired, the Justices in Quarter Sessions shall determine it.

Every Inhabitant shall sweep the Foot Pavement before his House Three Times every Week, between Six and Ten in the Forenoon on each Day, on Penalty of 5s.

The Scavenger shall sweep and carry away the Soil of the Streets Twice in every Week, on such Days as shall be appointed by the Commissioners, on Penalty of 10s.; and the Money arising by the Sale of the Soil, shall be applied for the Purposes of this Act.

No Person (except the Scavenger) shall take away the Soil of the Streets, on Penalty of 20s.

Any Inhabitant may keep within his own Premises the Soil arising within the same; but he shall remove it in Two Days after Notice is given that it is offensive to his Neighbours, on Penalty of 10s. for every Day it shall afterwards remain.

No Person shall be subject to the last-mentioned Penalty for any Rubbish lying in the Streets occasioned by building, nor for making up Lime, so as in both Cases convenient Room be left for Carriages and Passengers; but the Lime must be inclosed, and the Owner of the House before which the Rubbish or Lime shall lie shall cause the same to be removed on receiving Notice for that Purpose; and, while lying in the Street, a Fence and Light shall be kept around it during Night, to prevent Mischief.

If any Person shall wilfully break any Lamp, the Mayor, Chairman, or any Justice, shall issue a Warrant for apprehending him; or any Person seeing the Offence committed, may apprehend him without one; and if the Party accused shall be convicted, either by his own Confession, or on Oath of a credible Witness, he shall, for the First Offence, forfeit a Sum not exceeding 20s. nor under 10s. for each Lamp so broken, besides the Damage done; and for the Second Offence 30s.; and for every subsequent Offence 40s.

If any Person shall slaughter any Beast in the Streets, or shall cleanse any Cask, or hew or saw any Stone or Timber, or shoe or farry any Horse, he shall forfeit 10s. besides the Penalties already inflicted by Law.

The Commissioners may put up the Name of every Street on some conspicuous Part thereof, and may remove and regulate, in such Manner as they think proper, all Signs, Penthouses, Spouts, Gutters, Bow Windows, Cellar Windows, Steps, and other Projections, and leave the Materials not used on the Spot.

If any Person shall convey Water from his House in any other Manner to the Channels than by small Drains under the Foot Ways, or



or shall hang any Sign, or erect any Pent-house, or other Projection, he shall forfeit *p. 1357.* 5*l.*, and the Commissioners shall remove it at his Expence.

If, after *June 24, 1790*, any Cart shall be left in any Street, or if any Stage Coach, &c. shall be left therein longer than necessary for taking up and setting down the Passengers and their Baggage, for which Two Hours shall be allowed; or if any Cattle shall be permitted to wander; or if any *p. 1359.* Thing shall remain in the Streets longer than necessary for housing the same, not exceeding Two Hours; or if any Dust, or any other Nuisance, shall be laid therein, the Person offending herein shall forfeit 20*s.* and moreover the same shall be deemed Nuisances.

If any Person shall drive on the Foot Pavement any Carriage, or shall roll any Cask for 10 Yards, or ride or drive any Horse or other Cattle thereon, or shew any Stallion in the Streets (except the Streets appointed for that Purpose), or shall permit *p. 1360.* any Bull Dog to go unmuzzled, he shall forfeit, for the First Offence, 5*s.*; for the Second, 10*s.*; and for every other Offence 20*s.*

If any Person shall drive any Cart or other Carriage for the Conveyance of Goods through the Streets, faster than a Foot Pace, or without a Person on Foot leading the Shaft Horse, he shall forfeit 10*s.*

The Commissioners may compound with any Person against whom any Action shall be brought for any Penalty incurred for Breach of Contract; and may mitigate any other of the Forfeitures incurred under this Act.

Any Ten Commissioners may appoint *p. 1361.* 24 Men to watch the Streets, who shall, during Watch, act as Constables; and the Commissioners shall provide a Watch-house, and appoint at what Time and at what Places the Watchmen shall be stationed, and in what Manner they shall perform their Duty, and appoint them their Wages.

But no Watchman, by virtue of that Service, shall gain a Settlement.

Justices shall cause Convictions to be drawn up in the following Form, or to the like Effect; (*viz.*)

City of Durham } *BE it remembered, That on*  
and } *the*  
Framwelgate. } *Day of*  
in the } *Year of the*  
*Reign of His Majesty* } *A. B. is*  
*convicted before*  
*One of His Majesty's Justices of the said County*  
*of Durham, by virtue of an Act of Parlia-*  
*ment passed in the Thirtieth Year of the Reign*  
*of His Majesty King George the Third,*  
*intituled, [Set forth the Title of the Act,*  
*and specify the Offence, and the Time and*  
*X x*

Place when and where the same was committed, as the Case may be.]

*Given under our Hands and Seals [or my Hand and Seal], the Day and Year aforesaid.*

All Penalties, the Manner of levying whereof is not hereby otherwise directed, shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice for the County of Durham; and when recovered, shall be applied towards the Purposes of this Act; and in Default of sufficient Distress, the Justice shall commit the Offender to Gaol or the House of Correction, for any Time not exceeding Three Months, nor less than 14 Days.

No Person shall be subject to any Penalty for any Offence, unless Information be given *p. 1362.* thereof within One Month after it is committed, except the Penalties inflicted for Non-payment of Rates.

The Commissioners may sue or be sued in the Name of their Clerk, and no Action shall abate by his Death or Removal.

But no Action shall be commenced, or Indictment preferred, unless 10 Commissioners agree thereto.

No Corn shall be exposed to Sale except in the Market Place, or in the Houses of Persons commonly selling it; nor shall it be *p. 1364.* exposed to Sale in the Market Place before the ringing of the Bell, or usual Time for opening the Market; and every Person who shall be convicted of acting contrary hereto, before Two Justices, shall forfeit 5*l.* (besides every other Penalty already imposed by Law), to be recovered by Distress and Sale of the Offender's Goods, One Half whereof shall go to the Informer, and the other to the Commissioners, to be applied to the Purposes of this Act.

This Act shall not affect the Right of any Person to demand Toll within the Limits to which it extends, nor affect the Right of any One to an Exemption from the Payment of such Toll.

In all Actions, any Inhabitant shall be admitted to give Evidence.

If any Person shall think himself aggrieved *p. 1365.* by any Rate, he may appeal, after the Expiration of One Month, to the next Quarter Sessions, on giving 10 Days Notice to the Treasurer or Clerk; and the Justices shall finally determine the Matter in a summary Way.

No Distress shall be deemed unlawful, nor the Party making it be deemed a Trespasser, on Account of any Want of Form in the Proceedings; nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved may recover Satisfaction for the special Damage.

No

p. 1366. No Plaintiff shall recover in such Action, unless 21 Days Notice be given thereof; nor if Tender of sufficient Amends hath been made to him by the Defendant.

No Proceeding shall be qualified for Want of Form, or be removeable into any Court of Record at *Westminster*, or Court of Pleas at *Durham*.

No Action shall be commenced until 21 Days Notice be given to the Treasurer or Clerk, nor after Tender of sufficient Satisfaction hath been made, nor Six Months after the Fact committed; and it shall be tried in *Durham*; and the Defendant may

plead the General Issue, and give the special Matter in Evidence, and that the same was done in pursuance of this Act: And if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall be nonsuited, or discontinue his Action, or if on Demurrer Judgement be given against him, the Defendant shall recover Treble Costs.

This shall be deemed a Publick Act; and be judicially taken Notice of as such, by all Judges, &c.

## The SCHEDULE referred to.

p. 1368. *Elvet Bridge.*  
A House at the End of the Bridge, on the South and West, belonging to *William Stephenson*, and occupied by *William Holmes*.

Several Houses at the same End of the Bridge belonging to *Elizabeth Brockett* and *Margaret Brockett*, Spinsters, and occupied by *William Vardy*, *John Ridley*, *Mary Thomas*, *Margaret Dawcey*, *William Smith*, *John Ebdon*, and *William Mather*.

A Shop at the other End of the Bridge, belonging to the County, and occupied by *William Raffell*; and a Room above the Shop, occupied by *Francis Grey*.

A House and Shop on the Bridge, belonging to *John Hardecastle*, *Richard Wright* of *Sedgefield*, *Mrs. Margaret Robinson* of *Sedgefield*, and *Miss Katherine Dunn* of *Sedgefield*, occupied by *William Roades*.

A House adjoining to the last mentioned House, belonging to the same Persons, occupied by *John Watson*, *Ann Dunn*, and *John Snowden*. And,

A House and Shop adjoining thereto, belonging to and occupied by *David Hilton*.

*In Fleisher Gate, or Sadler Street.*

p. 1369. A House belonging to the Heirs of *John Dennison*, and occupied by *George Wheldon*, *Maxwell Clapperton*, *Ann Lax*, *Mary Proctor*, *Mary Hinds*, and *Joseph Blackett*.

A House adjoining thereto, belonging to and in the Possession of *John Thompson*, *Thomas Dixon*, and *Joseph Emmerson*.

A House and Shop belonging to *Henry Revett*, and occupied by *John Dobson Butcher*, and *Thomas Richmond*.

A House and Shop adjoining, belonging

to *Alderman Hopper*, and occupied by *Thomas Richmond*.

*Framwelgate Bridge.*

A House at the End of the Bridge on the South, at the Foot of *Silver Street*, belonging to *George Carr* of *Sunderland*, and known by the Sign of *The Hole in the Wall*.

A House at the End of the said Bridge, on the North, belonging to *John Mallam*, and occupied by *John Bilton* and *Stephen Taylor*.

A House and Shop there, belonging to *Ann Madgon*.

A Shop or Building adjoining, belonging to *Mrs. Elizabeth Hopper* of *Crook Hall*, and occupied by *Michael Simpson*.

*Crosgate.*

A House known by the Sign of *The Fighting Cocks*, belonging to *William Barnes* and *Richard Barnes*, *Elizabeth Barnes* and *Jane Barnes*, and occupied by *William Pringle*.

A House and Shop adjoining thereto, belonging to *Jane Steary*.

A House belonging to *John Wardell*, occupied by *John Deanham* and *James Mace*.

*Framwelgate.*

A House belonging to *Thomas Watson*, in the Occupation of *Thomas Herbert* and *Ann Scott*.

*North Bailey.*

Two Houses belonging to *Tabitha Johnson*, and occupied by *Hannah Smith* and *Margaret Lister*.

A House belonging to *William Hutchinson*.

A House belonging to the Governors of the

the Charitable Stock in *Durham*, and occupied by *John Dickinson*.

*Sadler Street.*

A House and Shop belonging to *Ambrose Miller* of *Shincliffe*, and occupied by *James Ladler*.

*Claypath Gate.*

An old Gateway and a House belonging to *William Scott*, and occupied by *Henry Shaw*, *Thomas James*, *Joseph Hutchinson*, and *Frances Pickering*.

An ABSTRACT of an Act for better supplying the Town and Neighbourhood of *Leeds*, in the County of *York*, with Water; and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein.

Anno tricesimo GEORGII III. Regis.

# C A P. LXVIII.

THE Preamble sets forth, That the Town of *Leeds*, and its Neighbourhood, are not properly supplied with Water: To remedy that Inconvenience, it is enacted, That *William Cookson*, *John Beckett*, *William Smithson*, Esqrs.; the Rev. *William Sheepshanks*, the Rev. *William Wood*, *George Bishopp*, *William Faber*, *Richard Ramsden Bramchaff*, *John Plowes*, *John Marshall*, *John Hebley*, *Charles Clapham*, *Joseph Wood*, *Josiah Oates*, *Thomas Hill*, *George Beumont*, *Samuel Fenton*, *Thomas Charlesworth*, *James Donaldson*, *Joseph Oates*, and *Thomas Wright*, shall be Commissioners for completing the Waterworks, and for carrying this Act, so far as relates thereto, into Execution, until the First Thursday in *Jan.* 1795; and the Inhabitants chargeable with the Rates herein-after mentioned may meet on that Day between Ten and Two, and thereafter on the First Thursday in *Jan.* yearly, in the Vestry of *St. Peter*, and they shall, at every Meeting, appoint 13 of themselves to be Commissioners for putting this Act into Execution; and if they shall not then meet, or if Notice of the Meeting herein-after mentioned shall be omitted to be given, they shall meet in the Vestry on any other Day to be mentioned in the Notice, and then choose the Commissioners as afore-

said; and the present and future Commissioners shall be incorporated by the Name of *The Commissioners of the Leeds Water Works*, by which Name they may sue and be sued, and shall have a common Seal; and if any Commissioner shall die, resign, or refuse to act, or shall cease to be an Inhabitant, the Inhabitants, in Vestry, may appoint another in his Stead: But no Meeting shall be held as aforesaid, unless Notice be given, in the Parish Church of *St. Peter*, on the Two Sundays preceding the Meeting.

The present Commissioners shall meet at the *Moot Hall* on the Third Monday after the passing of this Act, between Ten and Two, and the future Commissioners shall meet there on or before the First Wednesday after their Appointment; and they may respectively adjourn, and meet at the same or any other Place within the Town as they shall appoint, Three being sufficient for that Purpose; and in case Three shall not meet, the Clerk may adjourn; but no Adjournment shall be made for more than 20 Days; and in case no Adjournment shall be made, the Commissioners may, by Notice to be fixed on the Door of the Parish Church, appoint a Meeting to be held in any Time not less than Three Days, nor more than Six; and they may make such Regulations as shall appear

p. 1377.

appear

appear necessary; but no Proceedings shall be valid, unless done at a public Meeting, at which Five shall be present.

p. 1379. The Commissioners may appoint, during Pleasure, a Clerk and Treasurer, and such other Officers as they think proper, to whom they shall allow reasonable Salaries; and they shall take Security from the Treasurer and Collector of the Rates; and every Officer shall, when required, deliver an Account of all Matters committed to his Charge, and of the Money received and disbursed by him, and shall pay over any Balance which may be in his Hands; and if he shall neglect to

p. 1380. pay such Balance, any Two Justices for the County shall cause it to be levied by Distress and Sale of his Goods; and in Default of Distress, or if it shall appear to the Justices that he has not rendered an Account, or refuses to verify it, or shall neglect to deliver up, within 14 Days after being required, all Books and other Things in his Custody, they shall commit him to the Gaol for Leeds, or to the House of Correction at Wakefield, until he complies, or compounds for the

p. 1381. Money; but he shall not be detained in Prison longer than Three Months, on Account of Want of Distress.

The Commissioners may contract for the Purchase of the Right of any Person in the present Works, for supplying the Town with Water, and also with the Owners of any Mills or other Works, or any Lands, for effecting the like Purpose; and they may erect such Water Houses, Reservoirs, and other Works, and lay such Pipes as shall be necessary for conveying a sufficient Quantity of Water for the Supply of the Town, and its Neighbourhood, from any Part of the River Aire, between Armley Mills and Pitt-fall Mill, and also from the Beck between the Flaycrow or New Mill, and the ancient Course of the River; and they may break up any private Lands, and also the Pavement of the Streets, and lay Pipes, and put Stop Cocks and Branches from such Places and in such Manner as shall be necessary for distributing the Water to the Inhabitants, and as often as necessary to repair or alter the same, on making Satisfaction for any Damage done to private Property.

p. 1382. The Commissioners shall sufficiently repair the Highways and Streets, and level the Ground so opened as soon as may be after the Works are completed; and in Default of doing so, any Two Justices, on Complaint of the Surveyor of the Highways, or the Owner of the private Property, may direct such Surveyor to do it, at the Expence of the Commissioners: But no Dwelling-house shall be taken down, or injured, without the Consent of the Owner.

p. 1383. All Bodies Politick, &c. Trustees, and all

Persons possessed of or interested in any such Works or Premises, may sell and convey the same; and all such Sales and Conveyances shall be good in Law.

If any Person shall neglect to treat, or be prevented from treating, or shall decline to sell the Premises, or shall not agree with the Commissioners touching the Value of Damages, the Quarter Session for the West Riding of Yorkshire shall, out of the Grand Jury attending it, cause a Jury of Twelve, who shall not be interested in the Matter, to be impanelled, and such Jury shall enquire into the Value of the Premises, or of the Damage done to private Property; and they shall assess the Money to be paid, either for the Purchase or the Damage; and the Justices shall give Judgment accordingly; and the same shall be binding on all Persons, and shall be kept among the Records of the Quarter Sessions: But the Justices shall not proceed in Manner aforesaid on any Application from the Commissioners, unless the Application be made by 11 of them; nor unless 14 Days Notice be given to the other Party.

On Payment of such Sum as shall be agreed on or assessed, the Person to whom it shall be payable for the Purchase of any Premises shall make legal Conveyances thereof; but if he shall not be able, or omit to evince his Title to the Premises, and to make legal Conveyances thereof, or if the Person intitled cannot be found, or if it shall not appear, who are entitled, the Justices may order the Purchase Money to be paid to the Treasurer for the West Riding of the County, for the Use of the Parties interested; and the Treasurer shall give a Receipt for the Money, specifying for what Purpose he received it; which Receipt shall be kept among the Records of the Quarter Session; and immediately on such Payment, all the Estate and Interest in the Premises of the Persons for whose Use the same was paid, shall vest in the Commissioners.

No Fire Engine shall be erected within the Bishop of Bristol's Lands, or above Bondman's Dam.

This Act shall not affect the Property of Samuel Sagar in the Pittfall Mills, or oblige him to sell it without his Consent.

And as several Persons are intuled for a Term of Years to the Pittfall Mill, subject to certain Conditions, and they are willing to sell their Interests therein, on being indemnified from the said Conditions, and having a Sum sufficient to produce an annual Income of 150*l.* invested in the Four per Cent. Consols, for their Use; it is enacted, That the Commissioners shall invest the Money necessary to produce that Annuity in the Names of William Cookson and John Calverley,

*Cahverley, Esqrs.* in Trust for the Persons so intitled to the *Pittfall Mill*, to be paid to them according to their respective Interests therein; and immediately after such Investment, the Mill, with its Appurtenances, shall become vested in the Commissioners for the unexpired Term, subject to the like Payments and Conditions as they would have been subject to in case this Act had not been made; and the Persons aforesaid shall be indemnified against such Payments and Conditions.

Nothing herein shall authorize the erecting of any Works on the Lands of *John Pate Neville*, except the laying of Pipes into the River *Aire*, which Pipes shall be laid a sufficient Depth in the Ground so as not to affect the using of Tenters thereon, and the using any Road there; and the laying of the Pipes shall be restricted to a Piece of Ground 10 Yards broad; and shall not be laid along the Banks of the River at a less Distance than 40 Yards thereof; nor shall they be laid under any Building: But in case the Lands of Mr. *Neville* shall be damaged by Water ouzing through the Pipes, proper Drains shall be made for carrying off the Water; and if the Commissioners shall, for One Month after receiving Notice, neglect to make them, Mr. *Neville* may do so at their Expence.

The Power of purchasing Premises shall not extend to *King's Mills* or *Flaycrw Mills*, or to the Property of *John Pate Neville*, without his Consent, except 40 Yards Square to be taken from a Piece of Ground adjoining to the Stream below *Flaycrw Mill*.

No Water shall be taken from the River *Aire*, above the *High Dam*, or below it, within 150 Yards from the Foot thereof, or from the Beck between it and the *King's Mills*; nor shall the *King's Mills* or *Flaycrw Mill* be affected by this Act.

The Interest of *John Gledill* in the Wood Mill, at *Pittfall*, shall not be affected by this Act, unless he gives his Consent.

The Purchase Money to be paid to any Body Politick, or Trustee, which shall exceed 20 *l.* shall be paid to such Persons as they shall nominate to receive it, in Trust, to be reinvested in the Purchase of other Premises to be settled to the like Uses as the former; and in the mean Time the same, and also the Money to be paid which shall not exceed 20 *l.* shall be placed out in the Publick Funds, in the Names of Two Persons, One to be nominated by the Party placing it out, and the other by the Commissioners, and the Interest shall be paid to the Persons entitled thereto.

The Commissioners may dispose of so much of the Premises as shall not be necessary for carrying this Act into Execution.

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Any Inhabitant, on giving Six Days Notice of his Intention, may lay Pipes (the Bore whereof to be ascertained by the Commissioners) from his House to communicate with the Main Pipes (except the ascending ones) for a Supply of Water; but if any Person shall do so, without giving Notice, or shall lay a Pipe to communicate with any ascending one, he shall forfeit 5 *l.*, One Half to the Commissioners, and the other to the Informer; and the Commissioners may cut off such private Pipe.

Before opening the Ground to lay any private Pipe, Two Days Notice shall be given to the Surveyor of the Highways, who shall be paid 4 *d.* for every Square Yard of Ground broken up; and if any Person shall neglect to give such Notice, he shall forfeit 5 *s.*

In Cases of Fire any Person may use the Water in the Pipes or Reservoirs to extinguish it, without any Compensation; and to obtain the Water easily on such Occasions, the Commissioners may place Plugs in the Pipes.

If any Person shall interrupt the Works, or take away or damage the same, or shall throw any Filth into, or bathe in the Reservoirs, he shall forfeit a Sum not exceeding 5 *l.* nor less than 5 *s.*; One Half whereof shall be applied for the Purposes aforesaid, and the other paid to the Informer.

The Commissioners shall hold a Meeting on the Second Saturday in May yearly, and direct what Sum shall be raised by a Rate on the Inhabitants who shall give Notice to be supplied with Water, for One Year, and shall appoint Two or more Assessors, who shall assess all Persons to whose Houses any Water shall be conveyed, by an equal Pound Rate, according to the annual Value of their Premises: But no Person shall be so rated who shall not give Notice of his Intention of laying a Pipe, nor after he gives Notice of cutting it off.

No Rate shall be valid until signed by the Commissioners, and confirmed by Two Justices; after which it shall be collected Quarterly; and if any Person, appointed an Assessor, shall neglect to take upon him that Office (without assigning a reasonable Cause, to be allowed of by Two Justices) or shall refuse to be sworn faithfully to execute the Office, he shall forfeit 5 *l.*: But no Person shall be obliged to serve the Office Twice.

If any Person shall neglect to pay the Rate, for 10 Days after it is demanded, any Collector, by Warrant of Two Justices, may levy it by Distress and Sale of his Goods.

Brewers, Distillers, and other Tradesmen using a greater Supply of Water than what shall be necessary for the Use of their Families,

lies, shall, besides the Rate aforesaid, pay Quarterly to the Collectors such respective Sums, as Water Rents, as the Commissioners shall fix.

No Rate shall be charged on any poor Person who shall occupy a House, the annual Rent whereof shall not amount to 58 s.; but Cisterns and Cocks shall be placed at convenient Distances in the Streets, from which such Persons may be supplied with Water.

The Commissioners may borrow at Interest such Sum as they think necessary, and assign the Water Works, with the Rates, as a Security to the Lenders; and a Memorial of every such Assignment shall be entered in a Book, which Book may be perused by the Creditors; and Persons entitled to Securities may transfer them, which Transfers may be made by Indorsement on the Original, or by a separate Instrument, in the Words, or to the Effect following:

*I A. B. do hereby transfer the within Security [if by Indorsement] or, a certain Mortgage, made by the Commissioners of the Leeds Water Works, to C. D. bearing Date the Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_ and Interest, [if by a separate Instrument] and all my Right and Property therein, to E. F. his Executors, Administrators, and Assigns. In Witness whereof, I have hereunto set my Hand Seal, this Day of \_\_\_\_\_*

And every such Transfer shall be produced to the Clerk, who shall cause a Memorial of it to be made, after which the Transfer shall entitle the Transferee to its Contents; and he shall pay the Clerk 1 s.

The Money arising hereby shall be applied in defraying the Expence already incurred in providing Water, and afterwards in Payment of the Interest of the borrowed Money, which shall be paid half-yearly, in Payment of Rents payable by virtue of any Contract, and in Payment of the Salaries, and all other Expences attending the Execution of this Act, so far as relates to the Supply of Water.

The Rates and Water Works shall be exempt from the Payment of Taxes, except such Premises as shall be only taxed according to the average Value of the Township where they are situated.

The Proceedings of the Commissioners shall be entered in a Book, and being signed by the Clerk shall be deemed Originals.

The Commissioners (previous to every Election of new ones) shall make a final Settlement of their Accounts, and produce them at the annual Meeting; and shall also deliver up all Books and Papers, and pay over the Balance in their Hands to the succeeding Commissioners.

The Commissioners who are in the Commission of the Peace for Leeds may act as Justices in the Execution of this Act.

The Provisions of an Act of 28 Geo. II. so far as respects the lighting the Streets of Leeds, shall extend to lighting such Parts of the Town as are not comprized therein, and to all Streets within 1,000 Yards of the Bars, and the collecting and recovering the Rates from the Owners and Occupiers of Premises therein, towards defraying the Expence.

Inhabitants having Signs and Boards projecting into the Streets, within the above Limits, shall, within 30 Days after receiving Notice, remove them (such Notice not being given before the Expiration of Three Months from the passing of this Act); and if any Person shall neglect to do so, he shall forfeit 20 s. for every Week the same shall remain unremoved; and for the future all Signs shall be placed flat on the Fronts of the Houses; and if any Person shall hang out a Sign contrary to the Direction of this Act, he shall forfeit 10 s. for every Week it remains.

If any Person shall drive or place on the Foot Paths any Carriage; or shall roll any Cask; or ride or drive any Horse or other Cattle on the Foot Paths; or shall break any Horse, or shew any Stallion in the Streets, he shall forfeit a Sum not exceeding 20 s.

The Occupiers of all Houses, the Water from the Spouts whereof shall drop into the Streets, shall, within 14 Days after receiving Notice (such Notice not being given before the Expiration of Three Months from the passing of this Act), convey the Water by Wall Spouts down the Sides of their Houses, to within Six Inches of the Ground, or convey the same into their own Premises, on Penalty of 5 s. for every Week they shall neglect to do so; and every Tenant at Rack Rent, who shall be at any Expence in conveying the Water as above, may deduct it out of his Rent.

The Commissioners for carrying the recited Act into Execution, or any Seven of them, may cause the Streets to be cleaned in such Manner as they shall direct; for which Purpose they may appoint a Scavenger at a reasonable Salary.

Where any Forfeitures shall be incurred, any Two Justices, the Offence being proved, shall cause them to be levied by Distress of the Offender's Goods, which shall be sold, if not redeemed in Five Days, for Payment; and the Forfeitures, when recovered, shall be applied, One Half to the Informer, and the other to the Use of the Poor of Leeds; but if sufficient Distress cannot be found, the Mayor and One Justice, or Two Justices, may commit the Offender to Gaol, or the House



House of Correction, for a Time not exceeding Three Months.

Any Inhabitant shall be deemed a competent Witness, notwithstanding his paying the Rate.

If any Person shall think himself aggrieved by any Rate, he may, within Four Months thereafter, appeal to the Quarter Sessions, on giving 10 Days Notice to the Clerk to the Commissioners of the Water Works, or the Commissioners for carrying the recited Act into Execution (as the Case may require), and in Five Days thereafter entering into a Recognizance before a Justice, conditioned to abide the Order of the Quarter Sessions; and the Justices shall finally determine the Matter; but they shall make no Alteration in the Rate, further than giving Relief to the Person appealing.

No Action shall be brought, unless 30 Days Notice be given to the Commissioners Clerk, nor Four Months after the Act com-

mitted, nor after Tender of reasonable Amends shall be made, nor tried in any other Place than *Yorkshire*; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the Thing was done in pursuance of this Act: And if it shall so appear, or that the Action shall have been brought contrary hereto, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall become nonsuited, or discontinue his Action, &c.; or if, on Demurrer, Judgement be given against him, the Defendant shall recover Treble Costs.

This Act shall not prejudice the Rights and Privileges of the Corporation of *Leeds*.

One Half of the Expence of obtaining this Act, shall be paid by the Commissioners of the Water Works, and the other shall be paid out of the Constables Rate.

This shall be deemed a publick Act; and all Judges, &c. shall take Notice of it accordingly.

An ABSTRACT of an Act for amending and enlarging the Powers of, and rendering more effectual, an Act made in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for pulling down the Church of Saint James at Clerkenwell, in the County of Middlesex, and for building a new Church, and making a new Church Yard, or Cemetery, in the said Parish, with convenient Avenues and Passages thereto; and for purchasing Pentonville Chapel, and making the same a Chapel of Ease to the said Church.*

Anno tricesimo GEORGE III. Regis.

## C A P. LXIX.

THE Preamble recites 28 Geo. III. Cap. 10, and states, That the Trustees have caused the new Church of *St. James, Clerkenwell*, to be erected, but the same is unfinished, and it is found that the good Purposes intended by the recited Act cannot be effectually answered, unless it is amended: It is therefore enacted, That the Trustees

may contract for the Purchase of the Premises adjoining to the Church and Church Yard, in the respective Occupations of *William Peabworth, William Chaplain, John Ellis, James Turner, John Bilson, Thomas Munsey, Joseph Elam, Alice Robinson Widow, Catherine Bailey, John Whitehead, and Alexander Bates*; and a Piece of Ground, on Part of which

which is now standing an Engine House, and the Residue is now used as a Cemetery: And also another Piece of Ground in the Occupation of *Francis Peter Mallet Esq.*

p. 1413. situate in *Clerkenwell Close*, abutting North on the Dwelling House of *Francis Peter Mallet*, called *Newcastle House*, East in Part on the West End of *Clerkenwell Church*, and in other Part on *The Angel Publick House*, and West and South on *Clerkenwell Close*; and on Payment of the Purchase Money, they may take down the Houses, and dispose of the Materials, and convert the Scites thereof, with the other Ground, for enlarging the Church Yard, and making more commodious Ways to the Church: But they shall not purchase the Messuages in the Occupations of *William Chaplain*, *John Ellis*, *James Turner*, *John Bilson*, *Thomas Munsey*, *Feliph Elam*, *Alice Robinson*, and *Catherine Bailey*, until the Annuities and the Money raised under this and the recited Act shall cease and be paid off.

p. 1414. All Bodies Politick, &c. Trustees, and all Persons possessed of or interested in the Premises aforesaid, may sell and convey the same for the Purposes of this and the former Act; and all such Sales and Conveyances shall be good in Law.

p. 1415. The Purchase Money to be paid Bodies Politick and Trustees shall be invested in the Purchase of other Premises to be settled to the same Uses as those used for the Purposes of this Act; and in the mean Time it may be invested in the Publick Funds, and the Interest shall be paid to the Persons entitled thereto.

p. 1416. Any Estates merely of a legal Nature in any of the Premises which have been or may be purchased, shall be vested in the Trustees.

p. 1417. If any Person having a Power, under this or the former Act, to convey Premises, shall refuse to convey the same, the Trustees may pay the Purchase Money which have been or may be assessed by a Jury, notwithstanding the Time for Payment of Money already assessed may be elapsed, into the Bank of *England*, in the Name of the Accountant General of the Court of Chancery, pursuant to the Method prescribed by the Act of 12 *Geo. I.* Cap. 32, and the General Rules of the Court: And the Accountant General shall give a Certificate of every such Payment, specifying the Premises in respect of which the Money shall be paid; and immediately after such Certificate, a Memorial thereof being registered in the County Register, all the Estate and Interest in the Premises of the Persons for whose Benefit the Money shall be paid into the Bank, shall vest in the Trustees.

p. 1418. Such Purchase Money shall, on Petition to the Court, be ordered to be paid out of

the Bank to such Persons as the Court shall think proper, to be laid out in a Purchase of other Premises, which shall be settled to the same Uses as those for which the Money was paid; and on the Request of the Persons intitled to any Money which shall have been so paid into the Bank, the Trustees shall cause such Applications to be made to the Court of Chancery as Counsel shall advise, as well for the Purpose of laying out the same in the Purchase of Three per Cent. Annuities, as for the Payment of the Dividends.

Until a convenient Purchase shall be found, the Accountant General shall lay out the Money in the Purchase of Three per Cent. Consolidated Annuities in his Name, and shall pay the Dividends to the Persons entitled thereto. p. 1419.

The Money agreed or assessed to be paid for any Purchases shall be paid out of the Money arising by this and the recited Act.

And as, by the great Increase of Inhabitants in *Pentonville*, a Place of publick Worship is necessary for their Accommodation: And as *Henry Penton* hath granted a Lease of a Piece of Ground there, for erecting a Chapel thereon and for a Burying Ground, to *Alexander Cumming*, *Thomas Collier*, and *Abraham Rhodes*, for 21 Years, at the yearly Rent of 40*l.* renewable every 21 Years, on Payment of a Fine of 21*l.* which Lease is held in Trust for the Proprietors of the Undertaking; and the Lessees have accordingly fitted up a Place of publick Worship, now known by the Name of *Pentonville Chapel*: And as the Parishioners, for the Accommodation of the Inhabitants of *Pentonville*, agreed with the Proprietors of that Chapel for the Purchase thereof, with the Lodges and Burial Ground belonging thereto, subject to the Reservation of certain of the Vaults herein-after mentioned, at 5,000*l.* to be secured with such Interest, and in such Manner as herein-after is expressed: It is enacted, That the Trustees shall execute 50 Bonds for 100*l.* each, to the said *Alexander Cumming*, *Thomas Collier*, and *Abraham Rhodes*, bearing Interest at 4 per Cent. in Trust for the Proprietors of the Chapel; and upon such Bonds being given, the Lessees shall assign to the Trustees the Chapel with the Premises and the Lease, subject to the Payment of the yearly Rent aforesaid, in whom it shall be vested upon the Trusts following; *viz.* to permit the Chapel to be used as a Chapel of Ease to the Parish Church, and the Burial Ground as an additional Cemetery for the Parish, to cause it to be consecrated (which Consecration shall be performed by the Bishop of *London*), to renew the Lease, to keep in Repair the Chapel, and to pay to the Minister p. 1420. p. 1421. p. 1422.

nister of the Parish Church the yearly Sum of 20*l.* by half-yearly Payments on *Sept.* 29 and *March* 25; and the first Payment thereof shall be made on such of those Days as shall first happen after Consecration of the Chapel, and shall be payable out of the Fees of Burials; and he shall be intitled to receive such annual Rents for the Seats in the Chapel (except such of them as are herein-after mentioned) as can be reasonably obtained for them; and also all the Fees of Burials and Christenings at the Chapel; and he shall provide for the Cure of the Chapel, so that Divine Service be performed therein Twice every *Sunday*, and shall pay the officiating Minister, Clerk, and Organist of the Chapel, and likewise all necessary Attendants, reasonable Stipends, all of whom shall be appointed by him: But no more than 10*s.* per Ann. shall be received for each Seat; and the Three Vaults under the Chapel, sold to *Joshua Johnstone*, *John Davenport*, and *John Ranson*, One in the Burial Ground belonging to *Alexander Cumming*, and One under the Landing of the West Steps of the Chapel belonging to *Thomas Collier*, shall remain their Property.

When *Henry Penton* shall have conveyed the Piece of Ground, containing One Acre, in the Parish of *St. Mary Islington*, at the North-west End of *Winchester Street*, to the Trustees for the Use of the Parishioners, he shall have the sole Use of the Pews, N<sup>o</sup> 39, 40, and 41, in the West Gallery, and the exclusive Use of a Vault under the Chapel set apart for him and his Heirs.

The Clerk of the Church shall be paid by the Clerk of the Chapel, One Third of the Christening and Burial Fees which he shall receive.

The Trustees may sell the Vaults under the Chapel (except as aforesaid), and those under the Church, and apply the Money for the Purposes of this and the recited Act; saving to all Persons (except the Proprietors of the Chapel) all such Estate and Interest in the Chapel, and the other Premises held by virtue of the said Lease from *Henry Penton*, as they had before the passing of this Act.

The Trustees may lease all such Premises purchased for the Purposes of this Act as may be found unnecessary, for any Term not exceeding 21 Years, for the most improved yearly Rent that can be got: Provided, That for the Purposes of building upon or repairing any of the Premises, the Trustees may grant any Lease thereof, for any Term not exceeding 99 Years, so as in every such Lease there be reserved a reasonable yearly Rent.

The Trustees may sell such Overplus Premises, and make Conveyances thereof to the Purchasers, subject only to such Leases as may have been made pursuant to the Powers herein-before contained.

The Receipt of the Trustees shall be an effectual Discharge to the Purchaser for his Purchase Money.

The Money arising by such Sales, or by Sale of Materials, or which shall be received for Rents of Premises, shall be considered as Part of the general Funds provided for carrying this and the recited Act into Execution.

The Trustees may raise and secure, by the Means in the former Act prescribed (for raising and securing the Sum of 8,000*l.*) any additional Sum not exceeding 13,000*l.*; and they may make an additional Assessment, not exceeding 2*d.* in the Pound in any one Year (the former Rate being 6*d.*)

Where a sufficient Distress cannot be found for Recovery of any Rate, any Justice may commit the Defaulter to Gaol or the House of Correction, for a Time not exceeding One Month; and in all Cases of Appeal against the Rates, Relief may be given without quashing the whole Rate.

Tenants on quitting Premises, or coming into unoccupied Premises, shall pay the Rate in Proportion to the Time they occupy the same; which Proportion, in case of Dispute, shall be ascertained by Two Justices.

The Trustees shall pay 20*l.* a Year to the Vestry Clerk of the Parish, as a Salary for his Trouble in being Clerk to the Trustees, in lieu of 10*l.* mentioned in the former Act; and a yearly Sum, not exceeding 6*d.* in the Pound in lieu of 4*d.* may be paid to the Collectors.

If on any Settlement of Accounts between the Trustees and the Churchwardens, any Balance shall be found due to the latter, the Trustees shall pay over such Balance.

All legal Estates of Premises situate in *Middlesex*, *Worcestershire*, and *Surrey*, given in Trust for the Churchwardens of the said Parish, for certain charitable Purposes, shall be divested out of the Persons now entitled to hold the same, and be vested in the Trustees under this and the recited Act.

The Powers of the former Act (not hereby altered) shall extend to this Act.

The Expence of obtaining this Act shall be paid out of the Money in the Hands of the Treasurer.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice thereof accordingly.

An ABSTRACT of an Act to amend an Act of the last Session of Parliament, for providing an additional Burial Ground for the Parish of Saint James Westminster, and erecting a Chapel adjoining thereto, and also a House for the Residence of a Clergyman to officiate in burying the Dead.

Anno tricesimo GEORGII III. Regis.

C A P. LXX.

p. 1435. THE Preamble recites 29 Geo. III, Cap. 47; and states, That by virtue of that Act the Rector of *St. James* (with the Consent of Five Trustees) may appoint a Reader, Preacher, Clerk, and Sexton, and other necessary Attendants; but no Power is vested in the Trustees to remove them for Neglect of Duty, &c.: It is therefore enacted, That any Five Trustees (the Rector being present) may remove from his Office any Reader, Preacher, Clerk, Sexton, or other Officer, for Neglect of Duty, or other reasonable Cause; and on every such Removal the Vacancy shall be filled up according to the Directions of the recited Act.

p. 1436. Sir Archibald Edmonstone Bart. Sir Cecil Wray Bart. and Robert Durell Esq. shall be added to the Trustees for putting this and the recited Act into Execution; and the Bishop of London shall be appointed Visitor of the Chapel.

p. 1437. If the Money arising by virtue of the recited Act shall not be sufficient to defray the Expences of carrying its Purposes into Execution, the Deficiency shall be made good out of the Money to be raised by any Church Rate for the Parish of *St. James*, and the Churchwardens, on Application of the Trustees, shall pay it.

The Trustees, or any Three of them, may assign over the Church Rates of the Parish of *St. James*, with the Rents of the Seats of the Chapel, and the Fees, and other Money authorised to be assigned by the recited Act, for securing the Payment of Money to be borrowed by them; and all Assignments shall be made in the Form prescribed for that Purpose by the recited Act, or in any other the said Trustees may think more proper.

p. 1438. The Trustees may raise Money by Life Annuities, to be payable out of the Pew

Rents, and the Fees and other Sums aforesaid, and out of the Church Rates, which Annuities may be either with or without Benefit of Survivorship; but no Annuity shall exceed 10 per Cent. of its Purchase: But before any Money shall be borrowed, or Annuities granted, 14 Days Notice thereof shall be given in some Newspaper published in London or Westminster.

All Grants of Annuities may be transferred by Indorsement thereon, in the Words, or to the Effect following:

*I A. B. do hereby assign the within Grant of Annuity, and all my Right and Title in and to the Annuity thereby secured, and all Arrears due thereon, unto C. D. his Executors, Administrators, and Assigns. Dated the Day of*

And Copies of all such Grants and Transfers shall be entered in a Book which any Person interested may inspect without Fee; and for the Entry of every such Transfer the Clerk shall be paid 2s. 6d.

If there shall be an Overplus of Money after all Debts shall have been paid, and the Annuities shall have ceased, it shall be paid into the Hands of the Senior Churchwarden, and shall be applied to such Parochial Purpose as the Vestry shall direct.

The Trustees, or any Five of them, shall build and fit up the Chapel, House, and other Buildings, agreeable to the Plan approved by the Vestry.

The Expence of obtaining this Act shall be paid out of the Money arising by this and the said recited Act.

This shall be deemed a Publick Act; and shall be judicially taken Notice of as such, by all Judges, &c.

p. 1443

p. 1444

p. 1449

An ABSTRACT of an Act for taking down the Church and Tower belonging to the Parish of *Saint John at Hackney*, in the County of *Middlesex*, and for building another Church and Tower for the Use of the said Parish, and for making an additional Cemetery or Church Yard.

Anno tricesimo GEORGII III. Regis.

C A P. LXXI.

p. 1443. THE Preamble sets forth, That the Parish Church of *St. John at Hackney*, is much out of Repair, and too small for the Accommodation of the Parishioners; and it is therefore expedient that a larger Church, in a more convenient Situation, should be built: And that the Increase of Inhabitants has made it necessary to have an additional Cemetery:

p. 1444. It is therefore enacted, That the Rector, the Vicar, and the Churchwardens of the Parish of *Hackney* for the Time being, the Earl of *Hilborough*, Sir *Richard Heron*, the Rev. *Peter Beauvoir*, the Rev. *Thomas Cornthwaite*, *Richard Benyon*, *Francis Tyssen*, *Samuel Tyssen*, *Francis John Tyssen*, *Isaiah Tyssen*, *Thomas Ryder*, *Thomas Scott*, *Paul Le Mesurier*, *Robert Graham*, *John Silvester*, *John Spranger*, *John Berney*, *Thomas Glynn*, *Edward Woodcock*, *Elborough Woodcock*, *Eliab Harvey*, *Henry Newcombe*, *William Parker Hamond*, *Peter Hamond*, *Benjamin Halifax D. D.* the Rev. *Heneage Robinson*, *Aston*, *John Allen*, *James Allen*, *Christopher Alderson*, *Nicholas Baptist Aubert*, *Edward Austin*, *Tobias Atkinson*, *John Ball*, *John Bailey*, *John Batchelor*, *John Brood*, *John Bellis*, *Chamberlin Birch*, *Edward Bacon*, *James Beuzeville*, *Thomas Boddington*, *John Francis Blache*, *William Bowman*, *William Bowman* the younger, *Benjamin Beaufey*, *John Bode*, *Okey Belfour*, *John Newman Coussmaker*, *Lanney Richard Coussmaker*, *Thomas Cotton*, *Thomas Tryon Cotton*, *Edward Colson*, *William Cheeke*, *Captain Robert Caleff*, *John Cancellor*, *Timothy Curtis*, *John Cheuter*, *Thomas Compton*, *Richard Cleaver*, *Martin Challis*, *William Cawling*, *Francis Cooper*, *Richard Dann*, *John Davis*, *Thomas Davies*, *Richard Davis*, *John Dekewer*, *John Duvall*, *William Dawson*, *Walter Ewer*, *Thomas Flight*, *Gedeliab Catfield*, *James Gordon*, *George Gilbert*, *Samuel*

*Hall*, *Henry Hall*, *Thomas Hollingshead*, *John Hopkins*, *Joseph Hockley*, *Francis Hayward*, *Edmund Humphreys*, *John Harman*, *John Hussy*, *Charles Hamerton*, *Edward Jones of Mare Street*, *Francis Kelsall*, *Thomas Luilam*, p. 1445. *William Lowndes*, *Samuel Lewin*, *James Lee*, *Captain John Lee*, *William Langmore*, *Thomas Lane*, *William Lynes*, *Robert Martin*, *Robert Mackay*, *Roger Mawdesley*, *Thomas Matson*, *John Marjib*, *Richard Newcsmc*, *Henry Norris*, *Henry Handley Norris*, *Francis Nalder*, *James Neale*, *James Ogle*, *Nathaniel Paul*, *William Portal*, *Cecil Pitt*, *Joseph Pickles*, *David Powell*, *James Potts*, *Robert Podmore*, *John Perigall*, *James Powell*, *Robert Pulsford*, *Samuel Rhodes*, *Thomas Richards*, *John Rogers*, *Robert Redwood*, *Joseph Spurrell*, *Henry Sedgwick*, *Stephen Simmons*, *William Saxby*, *Jellenger Symons Clerk*, *Thomas Sikes*, *Henry Sandford*, *Edward Smith*, *James Stratten*, *Richard Seddon*, *William Sharpe*, *Marnaduke Smith*, *Samuel Swaine*, *Samuel Scott*, *Nicholas De Saint Croix*, *John Staples*, *Daniel Turner*, *Matthew Towgood*, *Thomas Trowers*, *Edward Vaux*, *John Withers*, *John Watson*, *William Wilson*, *Thomas Wright*, *David Whitaker*, and *John Ward*, shall be Trustees for putting this Act in Execution.

When any Trustee (except such Persons as are Trustees by virtue of their Office) shall die, or refuse or be disabled to act, or (being an Inhabitant) shall remove out of the Parish, any Nine of those remaining may appoint another in his Stead, he being a Parishioner, or seised of an Estate in the Parish.

But no Vicualler shall be capable of acting as a Trustee, nor any Person (except such as are entitled to be Trustees by virtue of their Offices) unless he owns or occupies some Tenement or Ground in the Parish rated at 30 l. per Ann. or upwards; nor while interested

interested in any Contract, or enjoying any beneficial Employment under this Act.

The Trustees shall meet in the Vestry Room, or in any other convenient Place within the Parish, within One Month after the passing of this Act, or as soon after as convenient, (on publick Notice, signed by the Churchwardens, and given in the Parish Church the preceding Sunday), between Nine in the Forenoon and Two in the Afternoon, and they, or any Nine of them, may proceed to put this Act in Execution, and adjourn to meet at such stated Times as they shall appoint, or according to Summons, (of which Adjournment Notice shall be given to each of the Trustees resident within the Parish, Two Days previous to the Meeting); and if at any Meeting Five shall not attend, the Clerk shall summon the Trustees to meet within 15 Days thereafter; and in Default of such Summons by the Clerk, the Churchwardens shall issue it within 10 Days from the Time the Clerk ought to have done it; and the Trustees at all their Meetings shall pay their own Expences.

Five Trustees, except where a greater Number shall be mentioned, may carry the Powers of this Act into Execution; but before they proceed to Business they shall elect a Chairman; and if there shall happen to be an equal Number of Votes for and against any Question, another Meeting shall be called to determine it; and if at a Second Meeting the Votes shall be equal, the Chairman shall have a casting Vote.

The Proceedings of the Trustees shall be entered in a Book, and signed by the Clerk, which Book may be read in Evidence.

Trustees in the Commission of the Peace, may act as Justices in the Execution of this Act, except in Cases where they may be interested.

The Trustees may appoint, during Pleasure, a Clerk, Treasurer, Collectors, and other Officers, of whom they shall take Security, and allow them reasonable Salaries: But the Allowance to the Collectors shall not exceed 3*d*. in the Pound of the Money collected by them.

Actions may be brought in the Name of the Treasurer, and the same shall not abate by his Death or Removal.

And as *Thomas Ryder Esq. Mary Ryder, Richard Benyon Esq. and Peter Beauvoir Clerk*, are the Proprietors of a certain Close called *Church Field*, situate in the Parish of *St. John at Hackney*, on which Field it is agreed that the new Church shall be built; it is therefore enacted, That the Trustees shall, by Dec. 25, 1790, pay to the said *Thomas Ryder and Mary Ryder, 800*l*.*; and to *Richard Benyon and Peter Beauvoir, 175*l*.* for their respective Interests in the Close; and on Payment

of these Sums, Conveyances of the said Close shall be executed.

The Purchase Money shall be paid out of the Money arising by this Act.

The Occupiers of these Premises shall deliver up Possession at the Expiration of Three Months after receiving Notice for that Purpose; and if any Occupier shall refuse to quit, the Trustees shall issue a Precept to the Sheriff of *Middlesex*, requiring him to give Possession, and he shall give Possession accordingly, and levy the Expence attending it by Distress and Sale of the Defaulter's Goods.

The Trustees shall cause a new a Church and Tower, and Vestry Room, to be built on the Close, (provided no Erection shall be within 50 Yards of the Premises belonging to *Thomas Ryder and Mary Ryder*, now occupied by *Gervase Chambers*, nor shall any burying be within that Distance), after such Model, and in such Manner as they, with the Approbation of the Bishop of *London*, shall agree upon, and shall convert into an additional Cemetery such Part of the Ground as shall be approved of by him, and make convenient Avenues thereto, and the Chancel of the new Church shall be of the same Size, and have the same Number of Pews, as the Chancel of the present Church, which shall be the sole Property of the Rector; and they shall erect and set up Pews and Galleries, an Organ, and such Bells and Conveniences as they think proper, in order that the new Church and Church-yard may be consecrated.

The new Church and Vestry Room shall not be begun, or the Cemetery allotted, until a Plan thereof, with an Estimate of the Expence, shall have been approved of by the Trustees at a General Meeting called for that Purpose, of which 14 Days Notice shall be given; nor until a Contract shall have been entered into by experienced Workmen, with sufficient Sureties for the due Performance of the Works accordingly, nor until the Plan shall be approved of by the Bishop of *London*, who may alter it, on any Reference being made to him by Two of the Trustees: But no Contractor shall admit any Trustee to any Interest in the Contract, on Penalty of 500*l*. to any Person who shall sue for it.

The Trustees may let the Residue of the Field, and apply the Rents for the Purposes of this Act.

When the new Church, &c. shall be completed, the old Church, except the Chancel, shall be taken down, and the Materials sold; but the Site shall remain consecrated Ground.

The Trustees shall inclose the Chancel, where unincloded, with Walls of equal Thickness



ness with the present, making a Door-way into it in the Middle of the West End, Eight Feet high and Five Feet wide, unless it be agreed to be done in any other Manner between the said *Richard Benyon* and *Peter Beauvoir*, and the Trustees, which Chancel shall continue the sole Property of the Rector, and no Graves shall be dug in the Church Yard within Six Feet of the Chancel.

For widening the Road on the West Side of the Church Yard, the Watch House and House for Parish Business may be taken down, and other Buildings may be there erected.

The new Church shall be finished within Three Years after the Foundation is laid; and when it shall be consecrated, with the Church Yard, they shall be called *The Parish Church and Church Yard of St. John at Hackney, in the County of Middlesex*; and Divine Service, and other Matters which were performed by the Ministers in the old Church and Church Yard, shall be performed in the new ones.

*p. 1456.* The Rev. *Peter Beauvoir*, the present Rector, and the Rev. *Thomas Cornthwaite*, the present Vicar, and their Successors, shall be Rectors and Vicars of the new Church; and the Right of Presentation shall remain as heretofore.

The new Church and Church Yard shall be, during the Continuance of the Rates, vested in the Trustees, and after these shall cease, in the Vicar and Churchwardens of the Parish for the Time being, in Trust for the Inhabitants.

*p. 1457.* The Trustees shall allot a Pew in the new Church to the Vicar, and One to the Churchwardens; and the Parishioners shall be seated as heretofore by the Vestry of the Parish, consisting of the Vicar, or, in his Absence, his Curate, the Churchwardens, and 34 of the ancient Inhabitants.

The Churchwardens shall receive the same Duties at Funerals in the new Church and Church Yard as they did in the old.

Seats shall be allotted for the Accommodation of the Scholars belonging to the Schools in the Parish, subject to such annual Rents as may be thought proper; and the Money arising from the letting of Seats shall, during the Continuance of the Rates, be paid to the Trustees Treasurer, and applied to the Purposes of this Act, and after the Rates shall cease, to the Churchwardens.

*p. 1458.* In taking down the old Church as little Damage shall be done to the Grave Stones as possible; and such as must be removed shall be placed in the Scite of the old, or in the new Church, at the Expence of the Persons interested therein.

The Chapel and Vault on the South Side of the Chancel of the Church, held by a

Faculty granted to Sir *Henry Rowe* in 1614, and now vested in the Marquis of *Downshire*, may remain on its present Scite, and be maintained in such Manner as shall be agreed on between him and the Trustees.

No Graves shall be allowed in the new Church; but Corpses may be deposited in Vaults (if any should be made by the Trustees), which Vaults shall be sold for the Purposes of this Act; and no Corpses shall be interred in the Church Yard, within 20 Feet of the Walls of the new Church.

The Rector of the Parish shall enjoy the sole Right of the Chancel in the new Church.

The Trustees may make a Rate on the Occupiers of Premises within the Parish, in any Sum not exceeding 5*d.* in the Pound in any Year, on the annual Rent thereof; which Rates shall be vested in the Trustees, and shall take Place from *March 25, 1790*, and continue till the Annuities cease, and the borrowed Money is paid.

The Rates shall be payable Quarterly, at *Midsummer, Michaelmas, Christmas, and Lady-day*; the First Payment to be made at *Midsummer 1790*; and in the Books to be provided for making the Rates there shall be Four Columns, for the Four Quarters, and a Fifth Column for the Total; and the same shall be paid equally by the Landlord and Tenant.

The Tenants shall pay the whole Rate, and deduct the Landlord's Half out of their Rent.

Every Person letting his House into different Tenements shall be deemed the Occupier, and be subject to the Rates: But no such Landlord shall be liable to pay for any increased Rent.

Tenants, on quitting Premises, or coming into unoccupied Premises, shall pay the Rate in Proportion to the Time they occupy the same; but no House shall be rated while it remains empty.

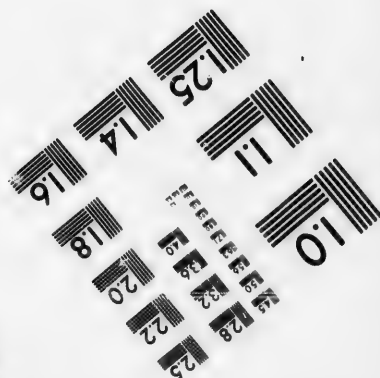
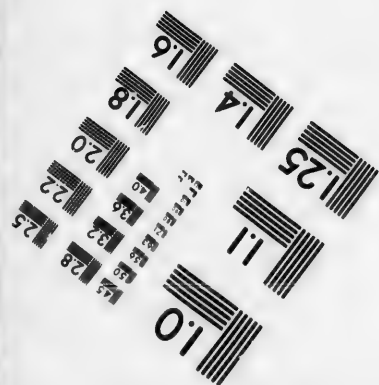
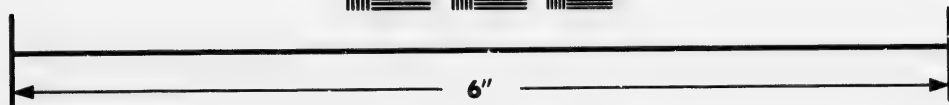
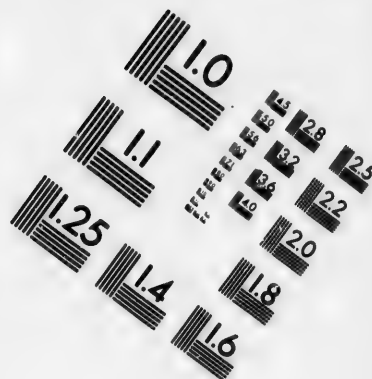
This Act shall not affect any Covenant between Landlord and Tenant concerning Rates.

The Payment of the Rate shall not entitle any Person to a Settlement in the Parish of *St. John at Hackney*.

In case any Money shall be lost by Insolvency or otherwise, the Trustees shall make an additional Rate, not exceeding 5*d.* in the Pound, for making good the Deficiency.

If any Person shall neglect to pay the Rate, any Justice may, on Complaint of the Collector, summon the Party, who shall immediately make Payment, if he does not prove that he is not chargeable with the Rate; or, in Default of Payment, the Justice shall grant a Warrant to the Collector to levy the same, with Costs, by Distress of the Defaulter's Goods, which, if not redeemed





# Photographic Sciences Corporation

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in Five Days, shall be appraised and sold for Payment.

p. 1465. If any Person shall quit his Premises before he has paid the Rate, and shall afterwards neglect to pay it, any Justice may grant a Warrant, authorising any Constable to distrain the Goods of the Defaulter wherever they are found, the Warrant being counterigned by some Magistrate of the Place where the Defaulter resides, if he has quitted the Parish.

The Trustees may sue in any Court of Record at *Westminster* for the Rates, and for the Forfeitures imposed by this Act.

If any Person shall think himself aggrieved by any Rate, he may apply to the Trustees, who may make any Order therein they think fit.

p. 1466. The Trustees may raise, either by Annuities or Loan, any Sum, not exceeding 12,500 *l.*; the Annuities to be granted for such Term of Years, and on such Conditions, as they think fit, so as not to exceed 5 *l.* per Cent. of the Purchase Money; and the Bonds for borrowed Money shall be paid off by Lot, as often as the Rates will admit, on giving the Lenders Six Months Notice.

The Annuities and the borrowed Money, with the Interest thereof, shall be charged upon, and payable out of the Rates; and every Purchaser of an Annuity, and Lender of Money, shall have an indefeasible Estate therein; and the Annuities and other Monies shall not be subject to any Tax.

p. 1468. Every Purchaser of an Annuity, and every Lender of Money, shall have a Receipt for every Payment; and on the final Payment he shall have an Order on Parchment for Payment of his Annuity, or for Payment of the Money advanced on Loan, with the Interest, which Orders shall be signed by the Trustees.

p. 1469. The Persons entitled to these Orders may transfer the same; which Transfer, after a Memorial thereof shall be entered in a Book, shall entitle the Transferee to its Benefit.

The Rates shall vest in the Annuitants, or Lenders, on Default of Payment of the Annuities, or the Monies lent, or the Interest thereof, for Three Months after the same shall become due, until Payment, they giving 20 Days Notice to the Trustees, who shall deliver over the then existing Rates, and the Balance in their Hands.

p. 1470. There shall be kept in the Vestry Room a Book, in which the Names of the Annuitants, and the Money Lenders, shall be entered; which Book every Person interested may inspect without Fee.

A separate Account of the Rates shall be kept by the Treasurer.

The Proceedings of the Trustees shall be entered in a Book, which Book shall be open

to the Inspection of any Person liable to pay the Rates.

The Collectors shall, when required, give p. 1472. in an Account to the Trustees (on Oath if desired) of the Money collected by them, and pay it over in the Manner they shall desire.

If any Collector shall neglect to make such Accounts and Payments, any Two Justices shall, on Conviction, commit him to Gaol or the House of Correction, until he complies, or compounds for the Debt.

If any Officer shall die, or become Bankrupt, before he has paid over the Money received by him, the Person in Possession of p. 1473. his Effects shall, in Preference to every Claim, pay the Debt due to the Trustees, or so much thereof as the Effects will extend to pay; and in case of Nonpayment for 21 Days after it has been demanded, the Trustees may recover the same by Action, in any Court of Record at *Westminster*.

The Expence of obtaining this Act shall be paid out of the First Monies which shall arise by virtue thereof.

No Distress shall be deemed unlawful, nor the Party making it be deemed a Trespasser, on Account of any Want of Form p. 1473. in the Proceedings, nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done, but the Person aggrieved may recover Satisfaction for the special Damage in an Action on the Case: No Plaintiff shall, however, recover, if Tender of sufficient Amends shall be made by the Defendant before the Action was brought; and if no such Tender shall have been made, the Defendant may, before Issue joined, pay into Court such Sum as he thinks fit, whereupon the usual Proceedings shall be had.

All Penalties, the Manner of recovering whereof is not hereby particularly directed, may be sued for in any Court of Record at *Westminster*, or may be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice for *Middlesex*; and such Penalties, p. 1474. when recovered, shall be paid to the Treasurer, and applied for the Purposes of this Act; and for Want of sufficient Distress, the Justice shall commit the Offender to Gaol, or the House of Correction, for any Time not exceeding Six Weeks, nor less than 14 Days.

No Proceedings under this Act shall be qualified for Want of Form, or be removeable into any Court of Record at *Westminster*.

If any Person shall find himself aggrieved he may appeal to the next Quarter Sessions for *Middlesex*, who shall finally determine p. 1475. the Matter; but such Appeal shall be made within Three Months after the Cause of Complaint shall have arisen; and the Person appealing shall give 10 Days Notice of his Intention

Intention to the Churchwardens and the Trustees Clerk, and shall, within Three Days after such Notice, enter into a Recognizance before a Justice, conditioned to abide the Order of the Sessions.

No Action shall be commenced until 21 Days Notice shall be given to the Churchwardens and Clerk, nor after Tender of sufficient Satisfaction hath been made to the Party aggrieved, nor Three Months after the Fact committed; and every Action shall be laid in *Middlesex*, and the Defendant may

plead the General Issue, and give the special Matter in Evidence; and if the Matter shall appear to have been done by virtue of this Act, or if it shall appear that the Action was brought contrary hereto, the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall become Nonsuit, or suffer a Discontinuance of Action, &c. the Defendant shall have Treble Costs.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice thereof accordingly.

p. 1476.

An ABSTRACT of an Act for taking down the Church, Chancel, and Tower belonging to the Parish of *Banbury*, in the County of *Oxford*, and for rebuilding the same.

*Anno tricesimo* GEORGII III. Regis.

C A P. LXXII.

p. 1479. THE Preamble sets forth, That the Parish Church of *Banbury* and Tower are in a very ruinous State, and should be taken down and rebuilt: It is therefore enacted, That the Mayor, and every Alderman, Capital Burgeſſes, Aſſiſtants, and the Town Clerk of *Banbury*, the Vicar and Churchwardens of *Banbury*, Sir Henry Watkin Daſhwood, the Rev. Sir Richard Cope, Barts.; the Hon. George Auſtulus North, the Rev. Robert Drubiggin, the Rev. William Deacle, and the Rev. Richard Nicoll, D. D. John Loveday LL. D. John Barber, Samuel Blencowe, Francis Eyre, Charles Fox, William Holbeck, Francis Pigott, Michael Wodhull, John Freke Willes, and William Richard Wykham, Eſqrs.; the Rev. Francis Anneſley, John Caſwall, John Deacle, John Farrer, Edward Hughes, Edward Jenkinſon, John Lambert, Francis Mapletſoff, John Marcey, Phineas Pet, and Richard Wykham, Clerks; the Rev. George Hampton A. M. Oliver Ap-  
lin, Richard Bignell, Charles William Barker, John Bloxham, Thomas Cobb, Timothy Cobb, Thomas Deacle, John Dury, Urban Fidkin, George Green the elder, John Goodwin, James Golby, Thomas Gulliver, William Hayward, Joſeph Hawtyn, Richard Haddon, Richard Heydon, Richard Herbert, John Johnſon,

James King, Andrew Longe, John Lamley, William Judd, John Newman, William Pratt the elder, James Roberts, John Roberts, Robert Rymill, William Shirley, Joſeph Snow, Robert Taylor, Daniel Taylor, Thomas Taylor the elder, Thomas Taylor the younger, Richard Williams, William Walford, and John Wheatley, and every Subscriber of a Gift of 50*l.* towards rebuilding the Church, ſhall be Truſtees for putting this Act in Execution; and when any Truſtee ſhall die, or reſuſe to act, any 10 of thoſe remaining ſhall appoint another in his Room, and all Powers given to the Truſtees ſhall be exerciſed by any Five of them, except where a greater Number is ſpecified; and they ſhall at every Meeting, before they proceed to Buſineſs, elect a Chairman, who ſhall have a caſting Vote.

The Proceedings of the Truſtees ſhall be entered in a Book, and ſigned by the Clerk, which Book may be read in Evidence.

No Inhabitant of the Pariſh (except the Mayor, Aldermen, Capital Burgeſſes, Aſſiſtants, Town Clerk, Vicar, Churchwardens, and Subſcribers of 50*l.* or upwards) ſhall act as a Truſtee, unleſs he owns or occupies Premises, aſſeſſed to the Poor's Rate, in the annual

p. 1481.



annual Sum of 10 l.; and no Person shall act as a Trustee while interested in any Contract, or while he enjoys any Profit under this Act.

The Trustees shall meet at the Town Hall on the Second Monday after the passing of this Act, or as soon after as is convenient to put it in Execution, and shall adjourn as they think proper, and may also meet, without Adjournment, on Three Days Notice being given by the Clerk on the Town Hall Door; and they shall at all their Meetings pay their own Expences.

Any Nine Trustees may appoint, during Pleasure, a Clerk, Treasurer, and other Officers, and shall take Security from the Treasurer; to all of which Officers they shall allow reasonable Salaries.

The Trustees shall assess all Owners and Occupiers of Premises within the Parish (except the Premises belonging to the Prebend of Banbury, and the Glebe Lands and Lands allotted in lieu of Tythes in Banbury Tything, being Part of the Spital Farm, and the first Vesture of Part of North Meadow, the Property of Francis Eyre, and the Premises of the Vicar of Banbury), in any Sum not exceeding 3 s. 6 d. in the Pound in any One Year, of the yearly Value thereof, as the same are now assessed to the Church Rates; and the Money arising thereby shall be vested in them, and collected by the Churchwardens, who shall pay over the Money to the Treasurer; and the Rates shall take Place from Aug. 1, 1790, and continue till all the borrowed Money is paid off.

The Rate shall continue in Force until the Trustees shall make a new one.

The Tenants shall pay the Whole of the Rates, and may deduct the Landlord's Half out of their Rent; but this Act shall not effect any Agreement made between Landlord and Tenant, concerning the Payment of Rates.

Every Person who shall let his House in separate Apartments, shall be deemed the Occupier.

If any Person shall neglect to pay the Rate for 14 Days after it has been demanded, any Churchwarden may levy it by Distress and Sale of his Goods, by virtue of a Warrant from Two Justices.

But the Trustees may sue in any Court of Record at Westminster for Rates where they amount to 20 l. or upwards.

The Trustees may borrow at Interest any Sum, and assign over the Rates as a Security; and every such Assignment shall be in the Words, or to the Effect following, viz.

*By virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King*

*George the Third, intituled, [set forth the Title of the Act], we, of the Trustees appointed by virtue of the said Act, in Consideration of the Sum of advanced and lent by A. B. to C. D. the Treasurer appointed in pursuance of the said Act, upon the Credit, and for the Purposes of the said Act, do grant and assign unto the said A. B. his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Act, to be had and holden from this*

*Day of until the said Sum of with Interest, at per Cent. per Ann. for the same, to be paid half-yearly, shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and*

*Day of*  
The Trustees may raise Money by Life Annuities, either with or without Benefit of Survivorship, so that no such Annuity exceeds 10 per Cent.; and the Grant of every such Annuity shall be in the Words, or to the Effect following; (viz.)

*WE of the Trustees, appointed by or in pursuance of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [set forth the Title of the Act], in Consideration of the Sum of paid by A. B. to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said A. B. his Executors, Administrators, and Assigns, an Annuity or yearly Sum of out of the Rates or Assessments arising by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said A. B. his Executors, Administrators, and Assigns, at upon the in every Year during and the First Payment thereof shall be made upon the Day of next ensuing the Date of these Presents. In witness whereof we have hereunto set our Hands and*

*Seals, the Day of in the Year of our Lord*  
And every Annuity shall be charged upon, and payable, free from all Taxes, out of the Rates; but no greater Sum than 6,000 l. shall be raised by Mortgage and Annuities; and before any Money shall be borrowed or Annuity granted, 14 Days Notice shall be given in some Newspaper published in Oxfordshire.

The Persons entitled to Securities may transfer

transfer the same in the Words, or to the Effect following; viz.

*I A. B. do hereby transfer the within Mortgage [or Grant of Annuity], and all my Right and Title in and to the principal Money and Interest [or Annuity, and all Arrears now due thereon] thereby secured unto C. D. his Executors, Administrators, and Assigns. Dated the Day of*

And Memorials of all Mortgages, Grants of Annuities, and Transfers shall be entered in a Book, which Book all Persons interested may inspect without Fee; and for the Entry of every such Transfer, the Clerk shall be paid 2 s. 6 d.; and all Persons, to whom such Mortgages or Grants of Annuity shall belong, shall be Creditors on the Rates in an equal Degree.

The Churchwardens shall, when required, give in an Account to the Trustees (on Oath if desired) of the Money collected by them, and pay it over to the Treasurer; and if any Churchwarden shall neglect to make such Account and Payment, any Two Justices shall, on his Conviction, commit him to Gaol, until he complies or compounds for the Debt.

The Mayor and Corporation of *Banbury* shall sell and convey the Premises mentioned in the Schedule annexed, which they hold in Trust for repairing the present Church; and the Money arising from the Sale shall be paid to the Treasurer.

The Trustees may cause the present Church, and also the Chancel and the Tower, to be taken down (the Bishop of *Oxford* having given Permission), and may sell the old Materials; and they shall, by Contract, cause a new Church and a Chancel, and also a Tower, to be erected on the Scite of the present Church, or as near as may be, so as the East End of the present Scite of the Chancel be encompassed by the new Church; which East End of the Chancel shall remain vested in the Bishop; but no Pews shall be erected thereon; and the new Church, Chancel, and Tower shall be built according to such Plan and Estimate as shall be approved of by the Trustees at a Meeting called for that Purpose, in which Plan no Alteration shall afterwards be made, without the Assent of 14 of them; and they shall cause such Pews, Galleries, and Conveniences to be made, and set up the present Organ, as any 14 of them shall determine; and they may take Security from the Contractor, against whom any Action may be brought in any Court of Record at *Westminster*, if the Works are not performed according to Contract; and all Actions shall be brought in the Name of their Clerk or Treasurer, which shall not abate by his Death

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or Removal; and the Works shall be finished within Four Years after the Foundation is laid; and the Bishop's Estates, which have hitherto been liable to the Repairs of the Chancel, shall be exonerated from all Expence attending the Execution of this Act, or the future Repairs of the Church.

In performing the Works as little Damage shall be done to the Grave Stones as possible; and such as must be removed, shall be, at the Expence of the Persons interested therein, fixed in the new Church or Chancel, to answer the Purposes for which they were originally intended.

The Trustees, or any 10 of them, shall allot to the Mayor, Aldermen, and Capital Burgesses, in their Corporate Capacity, and for their Town Clerk and Serjeants, and also to the Bishop of *Oxford*, and the Vicar, sufficient Pews in the new Church; and shall set out a proper Pew for the Use of Women coming to be churched, and such publick Seats or Galleries for the Use of Schools, and for all Persons resorting to Church, as the Trustees shall judge necessary; and shall then allot to each Person who shall subscribe 10 l. or upwards, a Pew for his Family; and after such Allotments shall have been made, they may sell or let the Residue of the Pews in such Manner as they think fit; and the Rents shall be applied towards the Expence of carrying this Act into Execution, and afterwards in Aid of the Church Rates.

The Trustees shall allot the Pews to the Subscribers, in Four Classes, viz. Subscribers of 100 l. and upwards, shall form the 1st Class, and have the First Choice;—50 l. and under 100 l. shall have the Second Choice;—30 l. and under 50 l. shall be next preferred;—and Subscribers of 10 l. and under 30 l. shall form the 4th Class, among whom the Remainder of the Allotments shall be distributed; the Subscribers of the highest Sums in each Class to have Priority; and if there shall be an Equality of Sums subscribed, the Priority of Choice shall be determined by Lot.

The Trustees shall allot to every Owner of Premises, who is rated for the same 30 l. or upwards, One Pew; and he, and also the Mayor, Aldermen, and Capital Burgesses, shall be deemed Subscribers of 100 l. so far as relates to the making Choice of the Situation of their respective Pews.

After the Allotment, the Trustees, or any 10 of them, shall cause them to be numbered, and the Numbers to be entered in a Book, with the Names of the Persons to whom they are allotted; which Book, being signed by any Ten Trustees, shall be preserved with the Vestry Books, and may be inspected by all Persons interested, and shall be admitted in Evidence: But no Person shall

shall paint or affix any Lining to any Pew, on Penalty of 10*l.*; and all Subscriptions shall be assignable.

*p. 1495.* Publication of Banns, and all Ceremonies of the Church, may be performed by the Vicar, or his Curate, in any Place provided within the Parish for the Purpose of publick Worship, until the new Church shall be opened.

The Subscribers shall pay their Subscriptions to the Treasurer, as the Trustees shall direct; and if any Subscriber shall neglect to pay his Subscription, it may be recovered by Action of Debt, in any Court of Record at *Westminster*.

The Money arising hereby shall be applied, in the First Place, in paying the Expence of obtaining this Act; and afterwards in rebuilding the Church, &c. in paying Interest and Annuities; and, lastly, in paying off the borrowed Money: And any 10 Trustees shall make a reasonable Allowance out of the same, to the Organist, Clerk, and Sexton of the Parish, until the new Church shall be opened.

*p. 1496.* If any Person shall think himself aggrieved, he may appeal to the Quarter Sessions, who

shall finally determine the Matter in a summary Way; the Person aggrieved bringing the Appeal within Six Months after the Cause of Complaint shall have arisen, and giving 14 Days Notice to the Trustees Clerk, and within Six Days thereafter entering into a Recognizance before a Justice, conditioned to abide the Order of the Justices.

No Action shall be commenced until 14 Days Notice shall be given to the Trustees Clerk, nor Six Months after the Fact committed; and it shall be tried in the County where the Cause of Action shall arise; and the Defendant may plead the General Issue, and give the Special Matter in Evidence, and that the Thing was done by Authority of this Act: And if it shall so appear, or that the Action shall be brought contrary hereto, *p. 1497.* the Jury shall find for the Defendant; in which Case, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of Action, or if, on Demurrer, Judgement be given against him, the Defendant shall have Treble Costs.

This shall be deemed a publick Act; and shall be judicially taken Notice of as such, by all Judges, &c.

### The SCHEDULE referred to.

*p. 1497.* **A** Messuage, with its Appurtenances, situate in *Parson's Lane*, in *Banbury*, called the *Flying Horse*, occupied by *Richard Brain*.

A Cottage there, with its Appurtenances, occupied by *Patience Lamprey*.

A Cottage there, occupied by *Thomas Kerwood*.

Two Cottages there, occupied by *Widow Roberts*.

A Cottage there, occupied by *Widow Lamprey*.

A Cottage there, occupied by *William Wrighton*.

A Messuage there, occupied by *John Fairfax* and *Widow Armit*.

A Cottage there, occupied by *Gill*, Shag-weaver.

A Cottage there, occupied by *Elias Upton*, Butcher.

Two Messuages, and Two Pieces of Land, containing Four Acres, situate in *Wickham*, occupied by *John Pain*. *p. 1499.*

A Piece of Land, called the *Causeleys*, situate in *Neithrop*, and now in the Possession of the *Oxford Canal Company*.

Together with divers Commons belonging to the above Messuages for Cattle to depasture in *Parson's Meadow*.

*p. 1503.*

*p. 1504.*

*p. 1505.*

*p. 1506.*

An ABSTRACT of an Act for forming a Junction between the *Forth* and *Clyde* Navigation and the *Monkland* Navigation; and for altering, enlarging, and explaining several former Acts passed for making and maintaining the said Navigations.

Anno tricesimo GEORGII III. Regis.

C A P. LXXIII.

p. 1503. **T**HE Preamble recites an Act of 8 Geo. III. for making and maintaining a Navigable Cut or Canal from the Firth or River of Forth, at or near the Mouth of the River of Carron, &c.; which Act was amended by several subsequent Acts passed in 11, 13, 24, and 27 Geo. III; and that by the Powers thereby given, the main Line of the *Forth* and *Clyde* Navigation is now nearly finished, and a Collateral Cut is made from the same to *Hamilton Hill*: That by another Act of 10 Geo. III, for making and maintaining a Navigable Cut or Canal, and Waggon Way, from the Collieries in the Parishes of Old and New Monkland to Glasgow, certain Persons were incorporated for that Purpose: That these Companies are desirous to have a Junction formed between the Two Canals; and it would be highly beneficial to the Publick if further Powers were granted them: It is therefore enacted, That the *Forth* and *Clyde* Navigation Company shall finish the said Collateral Cut, of such Depth of Water as shall be equal to Eight Feet, navigable for Vessels from *Hamilton Hill* to *Hundred Acre Hill*, and from thence to the West End of the *Monkland* Canal at the Townhead of *Glasgow*: And they may purchase Lands, not exceeding 100 Yards in Breadth, for making an Harbour and Wharfs and building Warehouses at *Hundred Acre Hill*; and also may feu or purchase a further Quantity of Land, not exceeding Eight Scots Acres, contiguous to the Wharfs, for building Houses, and other Accommodations.

p. 1506. The Powers (where not altered by this Act) granted to the *Forth* and *Clyde* Navigation Company by the recited Acts, for procuring Materials, purchasing Lands, levying Tolls, and for all other Purposes relating to the Navigation, shall be extended to this Act, for completing the Purposes aforesaid.

The *Forth* and *Clyde* Navigation Company may convey the Water from the River *Calder* into the East End of the *Monkland* Navigation, and erect a Sluice to convey it from the Upper to the Lower Reach thereof, when they shall judge it necessary to draw off Water for the Use of their Navigation: But the *Monkland* Navigation shall be kept navigable so long as Water can be drawn from the *Calder*. p. 1507.

The *Forth* and *Clyde* Company may use the *Monkland* Navigation as an Aqueduct, free of any Expence, except the Sluice above-mentioned.

The *Monkland* Navigation Company shall maintain their own Navigation in complete Repair, so as to make it useful as an Aqueduct for supplying the *Forth* and *Clyde* Navigation with Water. p. 1508.

The *Forth* and *Clyde* Company may demand from the Master of any Vessel, or the Owner of any Goods on Board the same, a Manifest specifying every Kind of Goods on Board, according to the Rules prescribed by the Revenue Laws; and also the Production of his Clearance, before the Vessel be suffered to pass.

The *Forth* and *Clyde* Company may demand from any Collector, or other Officer of the Customs, a Copy of the Clearance of any Vessel which may have arrived to unload in any Port after passing through the Navigation; which Copy shall be given on being paid 2*d.* for every 72 Words; and if any Officer shall refuse it, he shall forfeit 5*l.* p. 1509.

In case any Doubt shall arise as to the Quantity of Goods on Board any Vessel, the Company may ascertain the same by Weight or Measure, at any Port where the Goods are landed; and if any Fraud is found, the Offender shall forfeit Treble the Amount of the Tolls payable on the whole Cargo, and all

all Expenses incurred, and on Refusal of Payment, the Company may distrain the Vessel and Goods, which, if not redeemed in Five Days, shall be appraised and sold.

p. 1510. The Governor and Council of the Company may reduce the Tolls payable on all Goods carried on any Part of the Canal without passing a Lock; and may increase the Tolls payable on Vessels and Goods passing short Distances and through a Lock to any Sum not exceeding 2 d. per Ton per Mile; and also may make such Regulations as they see fit relative to the Payment of full Tolls.

The Company may demand, in Name of p. 1511. Harbour or Wharfage Duty, at the Harbours and Wharfs at *Hundred Acre Hill*,

For every *British* Vessel, a Sum not exceeding 1 d. per Ton:

For every foreign Vessel, a Sum not exceeding 2 d. per Ton;

For every Ton of Timber, a Sum not exceeding 2 d. per Ton per Month:

And for every Ton of Goods, which shall remain 24 Hours on any of the Wharfs, a Duty not exceeding 1 d. per Ton per Day, agreeable to such Regulations as shall be issued by the Governor and Council.

All Powers given to the *Forth* and *Clyde* Company, for regulating the Birthing of Vessels, for preventing Accidents by Fire, and for regulating Carters, shall be extended to all Basins and Wharfs now or hereafter to be made.

p. 1512. The Governor and Council of the *Forth* and *Clyde* Navigation may make such Regulations as they think proper, for the better Government of Persons employed on Land in towing Vessels on the Navigation, and enforce them by any Fine not exceeding 5 l. for each Offence.

The Company may authorise the Governor and Council to empower the Committee for managing their Affairs in *Scotland*, to lease the Tolls arising by this and the recited Acts.

The Company may plant Trees on, or convert to any other useful Purpose, the Sides of the Canal and Towing Paths.

The recited Acts, except where hereby altered, shall continue in Force.

p. 1513. The *Monkland* Navigation Company may make a Cut for forming a Junction between the Upper and Lower Levels of that Navigation, at *Blackhill*, and extend it from the East End of the same, at *Sheepford*, in a certain Line passing by *Faslin House*, to the River *Culder*, at *Woodhall* or *Faslin Mill*, and erect a sufficient Number of Locks between the different Levels of the Canal, to render it navigable for Vessels drawing Four Feet and One Half Water along the Range of the *Monkland* Navigation.

The Powers granted to the *Monkland* Navigation Company by the recited Act of 10 Geo. III, for procuring Materials, purchasing Lands, levying Tolls, and for all other Purposes respecting that Navigation, may be exercised by them for forming the Junction herein-before mentioned, and for completing p. 1514. the *Monkland* Canal.

The *Monkland* Company may raise among themselves any Sum not exceeding 10,000 l. above their present Stock; or they may borrow that Sum at Interest, or by granting Annuities for Lives, and assign over the Navigation, and its Tolls, as a Security.

The *Monkland* Company may demand and take for Tonnage and Wharfage, for all Commodities navigated on the said Canal, such additional Rates as they shall at a General Meeting think fit, not exceeding 1 d. per Mile per Ton. p. 1515.

The Powers granted by the recited Act of 10 Geo. III, for levying Rates, shall be extended to the levying of the additional Rates.

And as by the recited Act of 10 Geo. III, Lime and Lime Stone were not to pay more than One Fourth, and Iron Stone more than One Half of the Rates; and Materials for repairing Roads (Lime Stone excepted), and also Manure, were exempted from the Payment thereof, it is enacted, That these Exemptions shall only take Place provided they do not pass through any Lock, but at such Time when the Waters of the *Monkland* Navigation are discharging overplus Water. p. 1516.

The *Monkland* Company may reduce the Rates granted by this or the recited Act of 10 Geo. III; and advance them again.

Goods passing along the Canal for any Space less than a Mile, shall pay Tonnage for a whole Mile.

If any Goods, or other Thing, shall remain on the Wharfs of the *Monkland* Canal above 24 Hours, the Owners of the Goods shall pay such Wharfage Dues as shall be fixed by the Bye-laws of the Company, not exceeding 1 d. per Ton for every Day they shall remain after the First Day. p. 1517.

The *Monkland* Company may at any General Meeting lessen the Number of Persons of which the Committee of Management shall consist; and again increase it; provided the Numbers composing the Committee shall not at one Time exceed Nine or be less than Three.

The *Monkland* Company may plant Trees, or convert to any other useful Purpose such Waste Part of their Banks or other Grounds as may be unoccupied by the Canal.

The recited Act of 10 Geo. III, except where hereby altered, shall continue in Force. p. 1518.

This shall be deemed a publick Act; and be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act to alter and amend an Act, made in the Fourteenth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for the effectual draining and Preservation of Waterbeach Level, in the County of Cambridge; and to establish an Agreement made between the Lord of the Manor of Waterbeach cum Denny, and the Commoners within the said Manor.*

Anno tricesimo GEORGII III. Regis.

C A P. LXXIV.

<sup>p. 1513.</sup> <sup>p. 1514.</sup> THE Preamble recites an Act of 14 Geo.

II, in which certain Articles of Agreement, between the Lord of the Manor of *Waterbeach cum Denny*, and the Owners of the Commonable Messuages there, were stated and confirmed, whereby it was agreed, that *Joynt Fen* should be cleared of Cattle, from *Candlemas* to *March 25*, yearly, Horses excepted; and that *Midlott*, or *Midload*, should be cleared of Cattle from *Candlemas* to *May 1*, yearly; and also that for every Common the Occupier might feed 15 milched Cows, or dry Neat Cattle, and Eight Sheep, or 10 Cows, and Five Mares or Geldings, and to abate a Cow for every Colt after it was One Year old, and that Three Weanling Calves of the First Year should be deemed as One Cow; and Two Yearling Neat Cattle should be likewise deemed as One Cow; and for every Four Commons there should be kept by the Occupiers One Bull yearly, from *May 1*, to *Oct. 10*: That it hath been since found expedient to alter the Times of clearing the Fens of Cattle, and to diminish the Number of Cattle allowed to be depastured: It is therefore enacted, That in future *Joynt Fen* shall be cleared of all Cattle, except Horses, from *Candlemas* Old Stile, to the 20th of *April* yearly, and of Sheep from *Candlemas* Old Stile, to the 20th of *November*; and *Midlott* or *Midload* shall be cleared of Cattle from *Candlemas* day Old Stile, to the 12th of *May*, and of all dry Cattle (except Weanling Calves under One Year old) from *Candlemas* Old Stile, to the 12th of *August*, and of Sheep from *Candlemas* Old Stile, to the 31st of *December*.

In future the Occupier of every Common

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shall depasture on the Commonable Lands 12 milched Cows or dry neat Cattle, and Eight Sheep, or Eight Cows, or dry Neat Cattle, and Four Mares or Geldings, and Eight Sheep, and shall abate One Cow for every Yearling Colt or Filly; and Three Weanling Calves of the First Year shall be deemed as One Cow, and One Yearling Neat Beast shall likewise be deemed as One Cow; and for every Eight Commons there shall be kept by the Occupiers One Bull from *May 11* to *Nov. 10*.

The Bouts and Hollows on the Commons shall be kept for mowing from *April 5* to *August 12*, and no Cattle shall be depastured thereon during that Time; and the Fenreeves to be chosen in pursuance of the Agreement aforesaid, shall cause the same to be sufficiently fenced and divided in the Manner heretofore used; and shall cause *The Back Ditch* to be properly cleansed, and the Thistles growing on the Commons, not heretofore divided, to be mowed at least Once a Year; and the Expence shall be defrayed by a Rate on the Occupiers, in like Manner as by the Agreement is directed with respect to other Charges.

The Fenreeves shall yearly divide the Ditches and Commons (except as aforesaid), between the Occupiers, according to their respective Interests therein, and each of whom shall, within Three Days after Notice given by the Parish Crier, cleanse the Ditches allotted to him; and within 10 Days after such Notice, mow the Thistles within his Allotment; and if any Occupier shall neglect to do so, the Fenreeves shall do it at his Expence; which if he neglects to pay for 10 Days, the Fenreeves, having a Warrant from a Justice, may distrain the Cattle of the De-

<sup>p. 1517.</sup>  
<sup>p. 1518.</sup>  
<sup>p. 1519.</sup>  
faultier,



fauter, and sell them, if not redeemed in Five Days, for Payment.

The Occupiers of the Commons, or Four Fifths of them assembled at the Parish Church of *Waterbeach*, or other usual Place of meeting, which Meeting the Fenreeves shall call on the Application of 10 Occupiers, 10 Days Notice being given in the Church on some *Sunday*, or affixed on the Church Door, may diminish the Number of Cattle allowed to be depastured thereon, and make such further Regulations for the better Government of the Commons as to them shall seem meet; and the Orders made by them shall be published in the Church, on some *Sunday Morning* within One Month after they are made: But no such Order shall be of Force until it is published, nor for more than One Year after its Publication.

At all Meetings the Occupiers shall have a Vote for every Common they hold.

If any Person shall depasture on the Common any Cattle contrary to this Act, or to any Order as aforesaid, he shall forfeit, instead of the Penalty imposed by the former Act, 20*s.* for every Beast so depastured; and the Fenreeves shall distrain the Cattle; and, if not redeemed in Five Days, shall sell them for Payment of the Penalty; One Half whereof shall be paid to the Lord of the Manor, and the other applied in defraying the Expence of the annual Drift herein-after mentioned: But nothing in this or the recited Act shall subject any Occupier with that Penalty for any Cattle depasturing on such Part of the Commons as is directed to be cleared, if they have got into the same without his Default; the Fenreeves may, however, impound the Cattle until 4*d.* be paid for each.

The Fenreeves yearly, or oftener, if required by the Lord of the Manor, shall drive all Cattle depasturing on the Commons to the Place appointed for that Purpose, that they may view whether the Stint allowed be duly observed, and all Cattle found depasturing contrary to Order shall be distrained for the Penalty as aforesaid; and the Fenreeves shall be entitled to receive on every such annual Drift 1*d.* per Head on every Beast, to be paid by the Owner towards the Expence of the Drift, to be levied, in case of Non-payment, by Distress and Sale, in like Manner as the Rates herein mentioned are directed to be levied; and if there shall be any Overplus of the Drift Money, after paying the Expence attending the Drift, it shall be applied in Aid of the Rates, but the Expence of all Drifts made at the Request of the Lord

of the Manor, shall be defrayed by him, who shall in such Cases be entitled to the Whole of the Penalties found to be incurred.

The Fenreeves shall, within 10 Days after every annual Drift, deliver to the Vicar of *Waterbeach* a true Return of the Number of Cattle found depasturing; and if they neglect to make such annual Drift, or shall, for 10 Days after being required by the Lord of the Manor, neglect to make a Drift, or shall neglect to make a Return to the Vicar within the Time aforesaid, every Fenreeve shall forfeit to the Lord of the Manor 20*s.* in the one Case, and 20*s.* to the Vicar in the other, to be levied by Distress and Sale of the Defaulter's Goods, by Warrant of a Justice.

When any Occupier shall suffer any Cattle belonging to another Person to be depastured in the Commons, he shall be deemed the Owner.

The Fenreeves, within Three Months after the passing of this Act, 10 Days Notice of a Meeting having been given in *Waterbeach* Church, on some *Sunday*, or affixed on One of the Church Doors, shall make an equal Rate on the Owners of the Commons, according to their Interest therein, for raising Money sufficient to defray the Expence of this Act, such Expence being first settled by the Lord of the Manor, Sir Charles Gould Knight, William Masters Clerk, John Hemington, William Wiles, and Thomas Hall, or any Two of them, who shall order the Money arising by the Rate to be paid to such Persons as they shall direct; and the Rate, being allowed by a Justice, shall be levied by the Fenreeves on such of the Owners as shall neglect Payment, by Distress and Sale of their Goods, in like Manner, and with like Power of Appeal, as is directed by the Agreement with respect to the Rates thereby authorized to be made.

Where any Owner shall reside out of *Waterbeach*, the Rate shall be paid by the Occupier, who may deduct it out of his Rent; and in Default of Payment, it may be levied by Distress and Sale of the Defaulter's Goods.

If the Expence of this Act shall not be settled as aforesaid within Two Months after the passing thereof, the Rate shall be made within One Month after the Expence shall be settled.

The Powers of the recited Act, where not hereby altered, shall extend to this Act.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice thereof accordingly.

An ABSTRACT of an Act to enable the Company of Proprietors of the *Staffordshire and Worcestershire Canal* Navigation to improve the Navigation of the River *Severn*, from *Stourport*, in the County of *Worcester*, to a Place called *Diglis*, near the City of *Worcester*.

Anno tricesimo GEORGII III. Regis.

C A P. LXXV.

*P. 1539.* THE Preamble recites an Act of 6 Geo. III. for making and maintaining a navigable Cut or Canal from the River *Severn*, between *Bewdley* and *Titonbrook*, in the County of *Worcester*, to cross the River *Trent*, at or near *Haywood Mill*, in the County of *Stafford*, &c. by virtue of which the Proprietors have completed the said Canal: And states, That the Navigation of the River *Severn* is affected by Shoals, which, in dry Seasons, impede the Navigation between *Stourport* and *Diglis*: And that the said Proprietors are desirous, at their own Expence, to remove the same: It is therefore enacted, That the *Staffordshire and Worcestershire Canal Company* may remove the Shoals and Beds in the River *Severn*, and improve its Navigation between *Stourport* and *Diglis*; in the performing of which they shall do as little Damage as may be to the adjoining Lands, and for which they shall make Satisfaction to the Owners.

Nothing herein shall empower the Company to make any Lock or Weir across the River, or erect any Works, or lay any Materials in the Channel of the River, so as to endanger the Navigation.

The Company shall pay the Expence of obtaining this Act, and of completing and maintaining the Improvements aforesaid.

*P. 1541.* The Company, by an Order of a General Assembly, may borrow at Interest 12,000 l. and may assign their Navigation with the Rates as a Security; which Assignments shall be made in the Form, or to the Effect following; (viz.)

By virtue of an Act made in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled, [insert the Title of the Act], we, the Company of Proprietors of the *Staffordshire and Worcestershire Canal Navigation*, in consideration of the Sum of

to us paid, by A. B. do hereby

bargain, sell, assign, and transfer, unto the said A. B. his Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates granted to us by an Act made in the Sixth Year of the Reign of His said Majesty, intituled, An Act for making and maintaining a navigable Cut or Canal from the River *Severn*, between *Bewdley* and *Titon Brook*, in the County of *Worcester*, to cross the River *Trent*, at or near *Haywood Mill*, in the County of *Stafford*, and to communicate with a Canal intended to be made between the said River *Trent*, and the River *Mersey*, and all our Right and Interest therein respectively, to hold unto the said A. B. his Executors, Administrators, and Assigns, until the said Sum of <sup>together</sup> with Interest for the same, after the Rate of for One hundred Pounds by the Year, shall be fully paid and satisfied. Given under our Seal, this Day of

And a Memorial of every Assignment shall be entered in a Book, which may be perused by any Person interested, gratis; and all Assignments may be transferred, which Transfer may be made in the Words, or to the Effect following; (viz.)

I A. B. do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Staffordshire and Worcestershire Canal Navigation* to <sup>bearing</sup> Date the Day of for securing the Sum of and Interest, and all my Right and Property therein, to C. D. his Executors, Administrators, and Assigns. Dated this Day of

And every such Transfer shall, within 30 Days after its Date, be produced to the Clerk, who shall enter it; after which the Transfer shall intitle the Transferee to its Benefit.

The

The Interest shall be paid half-yearly in Preference to any Dividend to the Company.

p. 1544. In all Cases where the Company and the Owners or Occupiers of Premises shall not agree on the Recompence to be made for any Damage, or shall refuse to treat, or, by reason of Absence, shall be prevented from treating, or through Disability cannot treat, it shall be determined by the Commissioners appointed by the recited Act, or a Jury, in the Manner prescribed thereby in like Cases.

In case any Work done in pursuance of this Act wants Repair or obstructs the Navigation, and the Company do not, within Three Months after Notice given to them, repair or remove it, the Commissioners, or any Five of them, shall do it at their Expence, to be levied by Distress and Sale of their Goods; and the Company shall be liable for all Damages done to the adjoining Lands by their Works.

If Satisfaction for Damages shall not be paid within One Month after it shall be determined, the Commissioners shall issue their Warrant to the Sheriff of *Worcestershire*, directing him to levy the Damages by Distress and Sale of the Company's Goods; and he shall execute it accordingly.

p. 1545. If any Person shall throw any Ballast or Rubbish into the *Severn*, between *Stourport* and *Diglis*, or shall obstruct any of the Works, he shall forfeit a Sum not exceeding 20*l.* nor less than 20*s.*

The River, between *Stourport* and *Diglis*, shall not be subject to the Controul of the Commissioners of Sewers.

All Penalties shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and for Want of sufficient Distress, the Justice shall commit him to Gaol for any Time not exceeding Three Months.

p. 1547. No Distress shall be deemed unlawful, nor shall the Party making it be deemed a

Trespasser on Account of any Want of Form in the Proceedings, nor shall he be deemed a Trespasser *ab initio*, on Account of any Irregularity afterwards done; but the Person aggrieved may recover full Satisfaction for the special Damage in an Action on the Case.

Justices shall cause Convictions to be drawn up in the following Form, or in any other to the same Effect, viz.

*B* E it remembered, That on the  
Day of \_\_\_\_\_ in the Year of  
our Lord \_\_\_\_\_ A. B. is convicted be-  
fore me C. D. One of His Majesty's Justices  
of the Peace for the \_\_\_\_\_  
[specifying the Offence, and the  
Time and Place when and where the same  
was committed, as the Case shall be.]  
Given under my Hand and Seal, the Day  
and Year first above-mentioned.

Any Person thinking himself aggrieved by the Order of any Justice, may, within Three Months thereafter, complain to the Quarter Sessions, who shall in a summary Way determine the Matter.

If any Action shall be brought, it shall be commenced within Three Months after the Fact committed, and laid in the County where the Matter in Dispute shall arise; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the same was done in pursuance of this Act: And if it shall so appear, or if the Action be brought contrary hereto, the Jury shall find for the Defendant; or if the Plaintiff shall become Nonfuit, or suffer a Discontinuance of Action, &c. the Defendant shall have Double Costs.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice of it accordingly.

An ABSTRACT of an Act for forming and keeping in Repair the Streets, and other publick Passages and Places, within a certain District in the Parish of *Saint Luke Chelsea*, in the County of *Middlesex*, called *Hans Town*, and for otherwise improving the same.

Anno tricesimo GEORGII III. Regis.

C A P. LXXVI.

**P. 1551.** **T**HE Preamble sets forth, That *Henry Holland Esq.* holds in Lease a certain Piece of Ground, in the Parish of *St. Luke Chelsea*, lying on the South Side of *Knightsbridge*; pointing towards the North, on the high Road there near the *Swan Inn*, and Land of *William Brown Esq.*; towards the South, on *White Lion Street*, and Premises belonging to *James Lawrence*, *Joseph Newsham*, and others; and bounded on the East by a Rivulet, and the Lands belonging to *Charles Lowndes Esq.*; and towards the West, on Lands belonging to *William Bushnell*; and contains, by Estimation, 89 Acres: That *Henry Holland* hath caused a commodious Carriage Way, called *Sloane Street*, to be made from *Knightsbridge* across the Ground, and several other Streets: And that it would be of Publick Benefit if Provision was made for paving, cleansing, lighting, watching, and watering the Streets already built, and which may hereafter be built there: It is therefore enacted, That every Person, either in his own Right, or in that of his Wife, in the Possession of a Real Estate, situate within the Limits aforesaid, of the yearly Value of **P. 1553.** 30*l.* and also every Lessee of Premises liable to be rated, for the Purposes of this Act, at 30*l.* per Ann. and also every Occupier of such Premises possessed of 2,000*l.* Personal Estate, shall be Commissioners for putting this Act in Execution.

No Commissioner shall act until he has taken and subscribed an Oath to the Effect following; (*viz.*)

**I** A. B. do swear, That I truly am in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt of the Rents and Profits, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Thirty Pounds [or that I am Lessee (or Occupier) of a House, Tenement, or Land, rated

or liable to be rated at Thirty Pounds per Ann. at the least, by virtue or for the Purposes and] within the Limits of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [Set forth the Title of the Act]; and [in the Case of such Occupier as aforesaid] that I am resident within the Limits aforesaid, and am possessed of a Personal Estate of the Amount or Value of Two thousand Pounds.

So help me GOD.

And if any Person, not qualified as aforesaid, shall act as a Commissioner, he shall forfeit 20*l.* to the Prosecutor; and the Proof of Qualification shall lie on the Defendant. **P. 1554.**

The Commissioners shall meet at the *Cadogan Arms* in *Sloane Street*, on June 24, 1790, between Twelve and Two, on order to put this Act in Execution, and may adjourn, and meet at that or any other Place within the Limits aforesaid; and if there shall not appear at any Meeting a sufficient Number to act, any One present may adjourn to another Day; and in Default of Adjournment, any Three of the Commissioners, or their Clerk, may call a Meeting by Advertisement in some Newspapers Three Days before it; and at all Meetings they shall defray their own Expences; and no Act of theirs shall be valid, unless made at some publick Meetings, at which not less than 10 shall be present for the Purpose of borrowing Money or granting Annuities, nor less than Five in any other Case; and where the Number of Votes on any Question shall be equal, the Chairman shall have the casting Vote. **P. 1555.**

No Order shall be revoked unless at some Meeting held for the Purpose (of which Seven Days Notice shall be given), and also unless a greater Number of Commissioners shall

shall attend than were present when the Order was made.

The Proceedings of the Commissioners shall be entered in a Book, and One of them present shall sign the same; which Book shall be good Evidence, and may be inspected by any Person interested.

The Commissioners shall appoint, during Pleasure, a Treasurer, Clerk, Collector, and such other Officers as they think necessary, with reasonable Salaries; and shall take

*P. 1556.* Security from the Treasurer and Collector, who shall (when required) deliver in an Account of their Receipts and Disbursements, and shall pay over any Balance in their Hands; and if any Officer shall refuse to render such Account, or to verify it on Oath, or to make Payment as aforesaid, or shall not deliver up, within 14 Days after being required by Notice to do so, all Books and Papers in his Custody, or give Satisfaction about them, any Justice to whom Complaint shall be made shall determine the

*P. 1557.* Matter in a summary Way, and shall order any Balance that may be due, to be levied by Distress and Sale of the Defaulter's Goods; and for Want of sufficient Distress, or if such Account, Books, or Papers shall not be produced, the Justice shall commit the Defaulter to Gaol or the House of Correction until he complies; but no Person committed for Want of Distress, shall be detained in Prison longer than Six Months.

*P. 1558.* The Pavements, Lamps, Watchboxes, Pumps, and Wells, and all Things provided for the Purposes of this Act, shall be vested in the Commissioners, who may bring an Action in the Name of their Clerk, or prefer an Indictment against any Person who shall take away or injure any Part thereof.

The Commissioners may cause the Streets to be paved, cleansed, lighted, watched, and watered, and the Sides thereof, and also the Middle of Squares, to be fenced with Iron Rails, in such Manner as they think proper, and all Incroachments and Annoyances to be removed, and Drains to be made for carrying off the Water: And no Person shall, without their Consent, break up the Pavement, on Penalty of 20s.

*P. 1559.* The Carriage Ways within the new Streets shall, in the first Instance, be levelled and covered with Gravel, not less than Six Inches thick, and the Foot-ways paved in the Front of the respective Houses at the Expence of the Owners, or they may compound with the Commissioners for the doing such Works, and after these Streets are completed they shall be paved and repaired as aforesaid; but if any Owner shall not, within Three Months after being required, perform his Proportion of the

*P. 1560.* Work, it shall be done at his Expence; and

in Default of Payment, the Commissioners, by Warrant of Two Justices, may take Possession of the Premises in Front of which such Work shall be done, and receive the Rents until the Expence is paid.

The Commissioners may set up such Number of Lamps as they think necessary for lighting the Streets, which Lamps shall with the Houses be numbered; and if any Person shall wilfully damage any Lamp, or extinguish its Light, or deface any Number, he shall forfeit a Sum not exceeding 20s. whereof One Half shall go the Informer, besides making Satisfaction for the Damage; and if any Person shall accidentally damage a Lamp, and shall not, on Demand, make Satisfaction for the Damage, any Justice, on Proof being made by the Oath of a credible Witness, or on the Confession of the Party, may award the Sum to be paid, and cause it to be levied by Distress and Sale of the Defaulter's Goods.

The Commissioners may contract for the performing the Works, and if found not to be done according to Contract, they may cause an Action to be brought in any Court at Westminster against the Contractor for the Penalty: But the Commissioners may compound with any Contractor for any Penalty incurred for the Breach of any Contract, for such Sum as they think proper, not being less than the Injury sustained.

The Occupiers of Houses shall, on receiving Notice, fix their Signs flat on their Houses, and remove all Projections belonging thereto, and shall cause the Water to be conveyed from the Roofs of their Houses by Pipes to be affixed on the Sides thereof; and if any Occupier shall neglect to do so, the Commissioners shall cause the same to be done, and the Expence shall be levied by Distress and Sale of his Goods by Warrant of a Justice; and if the Tenant shall remove or alter any Projection or Annoyance, he may retain the Expence out of his Landlord's Rent: But nothing herein shall authorize the Commissioners to stop up any Cellar Window, where there shall be no other Way from the Street, unless they provide one.

If any Person shall drive any Carriage on the Foot Pavement, or shall ride or drive any Horse or Cattle thereon, or shall in any Street slaughter any Beast, or cleanse any Cask, or hew or saw any Stone or Timber, or sift any Lime, or shoe, farry, or turn loose any Horse, or expose to Sale any Goods in the Streets, he shall forfeit 5s.

If any Carriage shall remain in the Streets longer than necessary for loading or unloading, or for taking up or setting down Passengers, (except in such Places as shall be appointed for the standing of Carriages); or

*P. 1564.* if

if any Horſe be ſuffered to ſtand at the Door of any Perſon, ſo as to obſtruct the Paſſage; or if any Materials or Things be left in the Streets longer than neceſſary for removing them, the Perſon offending herein ſhall forfeit 5s.; and the Surveyor ſhall remove the Nuiſance to ſuch Place as he thinks proper, at the Expence of the Defaulter.

p. 1565. If any Perſon ſhall erect a Hoard for depoſiting and working building Materials, without a Licence from the Surveyor (which Licence ſhall be granted on Receipt of 1s.), or ſuffer it to remain longer than the Time allowed, he ſhall forfeit a Sum not exceeding 5s. for every Day the Hoard ſhall be continued after Notice is given by the Surveyor to remove it.

The Commiſſioners may appoint ſuch Number of Watchmen, under ſuch Regulations, and for ſuch Wages, as they think proper; and if any Watchman neglects his Duty, he ſhall forfeit a Sum not exceeding 10s.

p. 1566. The Watchmen ſhall endeavour to prevent Miſchief by Fire, and alſo Robberies and Diſorders; and ſhall apprehend and convey Offenders before ſome Juſtice, to be dealt with according to Law; and if any Perſon ſhall obſtruct any Watchman in his Duty, he ſhall forfeit a Sum not exceeding 5s.; and if any Victualler ſhall harbour any Watchman while placed on Duty, he ſhall forfeit a Sum not exceeding 20s.

p. 1567. The Commiſſioners ſhall cauſe ſuch Number of Wells and Pumps to be made in the Streets as they think proper; and may agree with the Owner of any private Ground, or with any Water Company, for a Supply of Water for ſuch Sum or annual Rent as they ſhall judge reaſonable.

p. 1563. The Commiſſioners ſhall, out of the Money ariſing by this Act, pay to the Surveyors of the Highways for the Pariſh of *St. Luke Chelſea*, 4l. on *Sept. 29*, yearly, the Firſt Payment to be made on *Sept. 29*, 1790; which annual Payment ſhall be in lieu of Statute Duty, chargeable on the Inhabitants within the Limits aforeſaid; and in caſe it ſhall at any Time be in Arrear for 30 Days, it may be recovered from the Treasuſer as any Penalty under this Act.

p. 1568. No Surveyor of the Highways within the ſaid Pariſh ſhall exerciſe any Jurisdiction within the Limits of this Act.

The Commiſſioners ſhall yearly, between *Lady-day* and *Midſummer-day*, aſſeſs ſuch Sums as they ſhall judge neceſſary on the Occupiers of Houſes, not exceeding 2s. 6d. in the Pound of the annual Value thereof, and not exceeding 1s. in the Pound of the annual Value of Lands, to be aſcertained by the Poor Rates, or in ſuch other Manner as they ſhall think proper; and the Firſt Year

for which the Aſſeſſment ſhall be made, ſhall commence on *June 24*, 1790; and the Money ſo rated ſhall be paid to the Collectors, who ſhall pay it over to the Treasuſer.

p. 1569. Empty Houſes having once been occupied ſhall be chargeable only with One Half of the Rate while they remain untenanted, in which Caſe the Rate ſhall be paid by the Owner, or by the Firſt or other Tenant thereof, who may deduct the ſame out of his Landlord's Rent; and where any Houſe ſhall be let to different Tenants, any One of them ſhall be deemed the Occupier.

Tenants on quitting Premises, or coming into unoccupied Premises, ſhall pay the Rate in Proportion to the Time they occupy the ſame; which Proportion, in caſe of Diſpute, ſhall be ſettled by the Commiſſioners. p. 1570.

If any Perſon ſhall neglect to pay the Rate for 10 Days after it has been demanded, any Juſtice may authorize the Collector to levy it, with Coſts, by Diſtreſs and Sale of the Defaulter's Goods.

When the Rate ſhall in any Year exceed 2s. in the Pound, the Exceſs ſhall be borne by the Landlord, and the Tenant may deduct it out of his Rent.

p. 1571. The Commiſſioners may borrow at Interest any Sum, and aſſign over the Rates as a Security; and every ſuch Aſſignment ſhall be in the Words, or to the Effect following; (*viz.*)

*By virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [Set forth the Title of the Act], we*

*of the Commiſſioners appointed by virtue of the ſaid Act, in Conſideration of the Sum of*

*advanced and lent by A. B. to C. D. the Treasuſer appointed in purſuance*

*of the ſaid Act, upon the Credit, and for the Purpoſes of the ſaid Act, do grant and aſſign unto the ſaid A. B. his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates or Aſſeſſments ariſing by virtue of the ſaid Act, as the ſaid Sum of*

*doth or ſhall bear to the whole Sum which is or ſhall be borrowed upon the Credit of the ſaid Act, to be had and holden from this*

*Day of* *until the ſaid Sum of* *with Intereſt, at* *per Cent. per Ann. for the ſame, to be paid half-yearly, ſhall be repaid and ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and Seals, this* *Day of*

The Commiſſioners may raiſe Money by p. 1572. Life Annuities either with or without Benefit of Survivorſhip, ſo that no ſuch Annuity exceeds 10 per Cent. of its Purchase; and the Grant of every Annuity ſhall be in the Words, or to the Effect following; (*viz.*)

WE



*WE* <sup>of the</sup> Commissioners appointed by or in pursuance of an Act of Parliament made in the Thirtieth Year of the Reign of King George the Third, intituled, [set forth the Title of the Act], in Consideration of the Sum of

paid by A. B. to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said A. B. his Executors, Administrators, and Assigns, an Annuity or yearly Sum of

out of the Rates or Assessments arising by virtue of the said Act; which Annuity or yearly Sum of

shall be paid to the said A. B. his Executors, Administrators, and Assigns, at

upon the every Year during and the First Payment thereof shall be made upon the

Day of next ensuing the Date of these Presents. In Witness whereof, we have hereunto set our Hands and Seals, the

Day of in the Year of our Lord

p. 1573. And every Annuity shall be charged upon and payable free from all Taxes out of the Rates: But no greater Sum in the Whole than 10,000*l.* shall be raised by Mortgage and Annuities; and before any Money shall be borrowed, or Annuity granted, 14 Days Notice thereof shall be given in some Newspaper.

Securities may be transferred by Indorsement thereon, in the Words or to the Effect following:

*I* A. B. do hereby assign the within Mortgage [or Grant of Annuity], and all my Right and Title in and to the Principal Money and Interest [or Annuity, and all Arrears now due thereon] thereby secured, unto C. D. his Executors, Administrators, and Assigns. Dated the

Day of

p. 1574. And Memorials of all Mortgages, Grants of Annuities, and Transfers, shall be entered in a Book, which any Person interested may inspect without Fee; and for the Entry of every such Assignment the Clerk shall be paid 2*s.* 6*d.*; and all Persons entitled to Securities shall be Creditors on the Rates in an equal Degree.

The Money arising hereby shall be applied,

in the first Place, in paying the Expence of obtaining this Act, and afterwards in paying the Interest of the borrowed Money, and the Annuities, and in defraying the Expence of paving, &c. the Streets, and of carrying this Act into Execution, and in paying off the borrowed Money.

All Penalties (the Manner of recovering whereof is not hereby otherwise directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice, and when recovered shall be paid to the Treasurer, and applied for the Purposes of this Act; and for Want of sufficient Distress, the Justice shall commit the Offender to Gaol, or the House of Correction, for p. 1575: any Time not exceeding Three Months.

In all Proceedings under this Act, any Inhabitant may give Evidence.

If any Person shall think himself aggrieved by any Rate, he may apply to the Commissioners, at their First Meeting after the Expiration of Five Days after Payment is demanded; but if he shall be dissatisfied with their Determination, or if any Person shall think himself aggrieved by any other Matter, he may appeal to the Quarter Session for *Middlesex*, within Four Months next after the Complaint shall have arisen, such Appellant giving 14 Days Notice of his Intention to the Clerk, and within Five Days thereafter entering into a Recognizance before a Justice, conditioned to abide the Order of the Sessions; who may finally determine the Appeal in a summary Way. p. 1576

No Action shall be commenced until 31 Days Notice shall be given to the Clerk, nor after Tender of sufficient Satisfaction hath been made, nor Three Months after the Fact committed; and it shall be tried in *Middlesex*, and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the same was done in pursuance of this Act: And if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant; and on such Verdict, or if the Plaintiff shall become Nonsuit, or discontinue his Action, &c. the Defendant shall recover Treble Costs.

This shall be deemed a Publick Act; and shall be judicially taken Notice of as such, by all Judges, &c.

An ABSTRACT of an Act for the better paving, cleansing, lighting, and watching the City of *Coventry*, and the Suburbs thereof, and removing and preventing Nuisances and Annoyances therein; and for regulating the Publick Wells and Pumps within the said City and Suburbs.

Anno tricesimo GEORGII III. Regis.

C A P. LXXVII.

**T**HE Preamble states, That in consequence of an Act of 3 *Geo. III.* for paving, &c. of *Coventry*, that City has been improved; but the Provisions thereof have been found ineffectual for the Purposes intended: It is therefore enacted, That the recited Act shall be repealed; and that the Mayor of the City, *John Hewitt Esq. Jeremiah Lowe Esq. Edward Villers, Samuel Reader, James Soden Esq. Thomas Collett Esq. John Carter Esq. Samuel Whitwell, John Villers, Edward Hiorns, William Eburne, Edward Soden, William Freeman, John Whitwell Esq. William Elliott Esq. Joseph Hewitt Esq. William Wilberforce Bird Esq. Abraham Awson Esq. William Little Esq. Robert Simon M.D. Richard Burgh Esq. Bradford Wilmer Esq. David Ratray M.D. Thomas Cast, Thomas Penn Vernon, Samuel Oldham, Charles Newcombe, Benjamin Butterworth, Thomas Carr, John Williamson, James Wyatt, John Nickson, Thomas Morris, and William Buck*, shall be Commissioners for putting this Act into Execution; and when any Commissioner (except the Mayor) shall die, or remove, or for One Year neglect to act, or be rendered incapable of acting, those remaining may elect another in his Stead: But there shall be always Five of the Aldermen of the City Commissioners.

No Commissioner (unless he be an Alderman) shall be capable of acting as such, unless he be in his own Right, or in that of his Wife, in the Enjoyment of a Real Estate of 20*l.* per Ann. or possessed of 400*l.* Personal Estate.

No Commissioner shall be capable of acting while he holds any Place of Profit, or has any Interest in any Contract under this Act; but such of them as are in the Commission of the Peace may act as Justices; and they shall, at all their Meetings, defray their own Expences.

The Commissioners shall meet at the Mayor's Parlour on Tuesday Fortnight after

3 E

the passing of this Act, between Nine and 12 in the Forenoon, to put it in Execution; and shall adjourn and meet at the same or any other Place as they shall appoint; and if there shall not appear a sufficient Number to act, and to adjourn, or in Default of Adjournment, or if there be any Occasion to hold an extraordinary Meeting, the Commissioners, or their Clerk, may appoint one.

Previous to every Meeting (except the First) Two Days Notice shall be given to each of the Commissioners.

No Proceeding of the Commissioners shall be valid, unless done at a publick Meeting, at which Five at least shall be present; and at every Meeting the Mayor, or (in his Absence) the Senior Alderman then present, or if neither the Mayor or any Alderman be present, then such other of the Commissioners as the Majority shall appoint, shall be the Chairman, who shall have the casting Vote.

The Proceedings of the Commissioners shall be entered in a Book, and signed by them; which Book shall be deemed Evidence, and may be inspected by any Person interested, gratis.

The Commissioners may appoint, during Pleasure, a Treasurer and Clerk, and such other Officers, and employ such Watchmen, as they think proper, to all of whom they shall allow reasonable Salaries; but from the Treasurer they shall take Security; and all such Officers shall, when required, deliver in an Account of all the Money received and disbursed by them; and shall pay over any Balance in their Hands; and if any Officer shall not render such Account, or refuse to verify it on Oath, or to make Payment as aforesaid, or shall not deliver up, within 14 Days after being required by Notice so to do, all Books and Papers in his Custody, or give Satisfaction about them, any Justice, to whom Complaint shall be made, shall determine the Matter in a summary Way, and shall order any

any Balance that may be due to be levied by Distress and Sale of the Defaulter's Goods; and for Want of sufficient Distress, or if such Account, Books, or Papers, shall not be produced, the Justice shall commit the Defaulter to Gaol or the House of Correction, until he complies; but no Person committed for Want of Distress, shall be detained in Prison longer than Six Months.

p. 1586. The Pavements in the Streets, the Lamps, Materials, and other Things, provided for the Purposes of this and the recited Act, and also all publick Wells and Pumps, shall be vested in the Commissioners, who may bring Actions, and prefer Bills of Indictment against Persons who shall take away or injure the same; and they may dispose of the old Materials, and also the Soil arising within the Streets.

The Commissioners may cause the Streets to be paved, cleaned, lighted, and watched, and Drains to be made for conveying off the Water, in such Manner, and subject to such Regulations, as they shall appoint; and may cause the common Wells and Pumps to be cleaned and repaired, and new ones to be made if necessary; and they may set up such a Number of Lamps, and in such Manner as they think proper: And they may purchase or hire a Piece of Ground for depositing the Soil arising in the Streets.

No Person shall carry away any Soil out of the Streets, except the Scavenger, on Pain of forfeiting a Sum not exceeding 40 s.

But any Inhabitant may keep for his own Use any Soil, so as the same be not laid in the Streets longer than necessary for carrying it away.

p. 1588. If any Person shall wilfully damage any Lamp, or extinguish its Light, or break up the Pavement, or wilfully damage any publick Work, or shall obstruct any Officer in his Duty, any Person seeing the Offence committed, may apprehend the Offender, and convey him before a Justice; and if the Party accused shall be convicted, he shall forfeit 40 s.; and if any Person shall carelessly damage any Lamp or any publick Work, and shall not, on Demand, make Satisfaction for the same, any Justice may award the Sum to be paid, and in Default of Payment for Three Days, it may be levied as any Penalty.

p. 1589. The Commissioners may contract with any Person for performing the Works; and every Contract shall specify the Works to be done, the Prices to be paid, the Time when to be completed, and the Penalties in case of Nonperformance; previous to the making of which, 14 Days Notice shall be given in some Newspaper, that Proposals may be given in; and in case any Work shall not be performed according to Contract, an Action

may be brought in any Court of Record at Westminster for the Penalty.

If any Person shall drive or place any Carriage, or roll any Cask for 40 Yards, or drive or lead any Horse or other Beast on any of the Foot-ways; or shall suffer any Swine to wander, or shall cleanse any Cask, or hew or saw any Stone or Timber, or shoe, farry, or turn loose any Horse in the Streets; or shall expose to Sale any Goods in the Streets (except in the *Butchers Rows*), or shall set out any Stalls therein (except such Stalls as are used on Market or Fair Days, or in *The Women's Market Place*); and also except such Booths as shall be erected in *The Crosscheaping*, during any Election; or if any Person shall expose to Sale any Goods on any Flap Window, so as to obstruct the Passage, or make any Bonfire, or play at Cockthrowing, or let off any Fire Work, he shall forfeit 20 s.

p. 1591. If there shall be left in the Streets any Carriage longer than necessary for loading or unloading, or for taking up or setting down Passengers; or if any Materials or other Things shall be left therein longer than necessary for housing them; or if any Dust shall be thrown into the same, the Person offending herein shall forfeit 20 s.; and any Commissioner may order the Annoyance to be removed at the Expence of the Defaulter; and if any Person shall slaughter any Beast in the Streets (except the *Butchers Rows*), he shall forfeit 20 s.

p. 1592. In case any Person shall, after the Expiration of Twelve Months, keep or slaughter any Swine within any Back Yard, he shall forfeit 20 s.

No Person shall empty any Bog House, or carry any Night Soil along the Streets, before 12 at Night, or after Six in the Morning, between *Michaelmas* and *Lady Day*, or after Four between *Lady Day* and *Michaelmas*, or shall put any Night Soil near the Streets, on Pain of forfeiting 10 s.

The Commissioners may remove or alter, in such Manner as they think proper, all Projections, so as to make the Carriage Way of sufficient Width for Two Carriages to pass each other, on making Satisfaction to the Owners; and no Person shall hereafter build any Projection, on Pain of forfeiting 10 l. and the same shall be removed at his Expence.

p. 1594. Spouts and Gutters which convey Water from Buildings shall, within Six Months after Notice given to the Owners, be regulated so as to convey the Water by Pipes down the Sides thereof; and on Neglect to do so, the Occupier shall forfeit 20 s. for every Week the Nuisance shall remain; and where the Occupiers shall in such Cases have been at any Expence, they may deduct the same

same out of the Landlord's Rent; and if any Dispute shall arise between any Landlord and Occupier, it shall be settled by the Commissioners; and if any Person shall hereafter erect any Spout or Gutter contrary to these Regulations, he shall forfeit 20 s. for every Week the same shall remain.

The Commissioners may remove all useless Posts, Steps, and Rails projecting on the Foot Paths; and place all Signs on the Fronts of the Houses to which they belong; and if any Person shall hereafter set up any Sign contrary hereto, he shall forfeit 5 l.; and it shall be removed at his Expence; and if any Cellar Window opening into the Street shall be left open in the Evening without being sufficiently lighted to prevent Accidents, the Occupier shall forfeit 10 s.

No Projection shall be removed or altered until after 28 Days Notice shall have been given to the Occupier.

The Commissioners may permit any Owner or Occupier to remove or alter any Projection, &c. which they shall order to be done, and allow him reasonable Damages.

No Person shall be subject to any Penalty on Account of any Erection, Materials, or Rubbish being placed in the Streets, when occasioned by Building, if convenient Room is left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, and if the same is removed when the Building is completed, and so as a sufficient Light be kept up against it during the Night.

The Corporation, or the Owners of the publick Water Works, may take up the Pavement to repair or lay down Pipes, on giving Notice to the Surveyor, who shall cause it to be relaid as soon as the Work shall be completed; and in Default of Payment of the Expence for Ten Days, it shall be levied of the Person liable to pay it, in the like Manner as the Rates are directed to be recovered.

The Commissioners may contract and agree with the Owners of any Premises, necessary for widening the Streets, for the Purchase thereof; and all Bodies Politick, &c. Trustees, and other Persons possessed of or interested in such Premises, may sell and convey the same; and every such Sale and Conveyance shall be valid: And the Money to be paid to any Body Politick, &c. or Trustee, shall be laid out in the Purchase of Premises, to be settled to the same Uses as those used for the Purposes of this Act; and in the mean Time the Money shall be placed in the publick Funds, and the Dividends lawfully applied.

The Commissioners may take down the Houses purchased for the Purposes of this Act, and lay the Sites thereof into the Streets, or form new ones therewith.

The Commissioners shall make such Regulations for the Watchmen as they think proper, and provide proper Watch Boxes for their Reception; and Copies of such Regulations shall be delivered to the Chief Constable, who shall forthwith give a Copy to every Constable under him, and fix One to attend the Watchmen every Night, who shall endeavour to prevent Mischief by Fire, and all Offences, and shall apprehend Malefactors, and suspected Persons, and convey them before a Justice to be dealt with according to Law; and the Commissioners shall make reasonable Allowances to the Chief Constable and Night Constables for their Trouble; but if any of them neglect their Duty, they shall forfeit 20 s.

The Commissioners shall yearly appoint Four of the Inhabitants in the united Parishes of *St. Michael* and *St. John the Baptist*, and Three of the Inhabitants of the Parish of the *Holy Trinity*, to be Assessors of the Rates; and shall yearly or oftener ascertain how much in the Pound of the annual Value of the Premises shall be raised by a Rate (not exceeding 18 d. in the Pound), and the Assessors shall assess the Occupiers of such Premises according to the annual Value thereof; and also on the Corporation in respect of the Market Place, and the *Crosscheeping*; Regard being had to the Circumstances and Situation of the Streets.

The Owners of Houses let out in different Tenements shall be deemed the Occupiers.

The Assessors shall assess all publick Buildings (except Workhouses and Alms-houses); and the Head Officers and Occupiers thereof shall be liable to pay the Rate.

The Assessors may inspect and take Copies of the Vicar's Rates lodged in the Vestries of *St. Michael* and the *Holy Trinity*, made pursuant to Two Acts of 19 Geo. III: And if any Person shall refuse such Inspection, he shall forfeit 20 s.

The Assessors shall, when required, deliver to the Commissioners Two Copies of every Assessment, and verify the same by Oath, in the Form or to the Effect following:

*I A. B. do swear, That the Assessment now produced and delivered in by me is to the best of my Skill and Judgement made according to the true Intent and Meaning of an Act of Parliament passed in the Thirtieth Year of the Reign of King George the Third, intituled, [Set forth the Title of the Act], and that the Persons therein rated for the Premises in their respective Occupations, or which are made liable to such Assessments, are rated at the true annual Value of such Premises, according to the best of my Skill and Judgement; and that I have examined the Duplicate of the said Assessment now*

*also*

also produced and delivered, and the same appears to me to be a true Copy of the said Assessment.

So help me GOD.

p. 1604. And the Assessors shall, on receiving Notice, attend the Commissioners and the Quarter Sessions to justify their Assessment; and all Rates shall be allowed and signed by the Commissioners, who may amend the same by supplying Omissions; and after the Rates shall be confirmed, they shall issue their Order to the Collectors, who shall, within Two Months thereafter, collect the same; and the Collectors and Assessors shall obey the Orders of the Commissioners, who may remove them, and appoint others in their Stead.

p. 1605. If any Person shall neglect to pay the Rate for 21 Days after it is demanded, any Justice shall direct the Collectors to levy it by Distress and Sale of the Defaulter's Goods.

The Collectors may levy all Arrears of Rates made by virtue of the recited Act, and when recovered, shall pay over the Money within 14 Days thereafter, and shall also pay over the Money arising by the Rates under this Act within 14 Days after the Expiration of the Time in which it is directed to be collected, to the Treasurer; and if any Assessor or Collector shall neglect to take upon him the Office, or neglect to perform his Duty, he

p. 1606. shall forfeit 5*l.* and may be again appointed to serve the Office.

No Collector shall be obliged to serve that Office more than Once in Five Years.

The Parishes of *St. Michael* and *St. John the Baptist*, shall be deemed One Parish.

No Person shall be rated for any Garden while used only for raising Fruit for Sale, or for any Arable or Pasture Ground, or any unoccupied Premises, or for any Personal Estate.

p. 1607. Tenants, on quitting Premises, or coming into unoccupied Premises, shall pay the Rate in Proportion to the Time they occupy the same; which Proportion, in case of Dispute, shall be settled by the Commissioners.

The Commissioners, on the Application of any Person whose Premises shall not exceed 3*l.* a Year, and who shall be exempted from the Poor Rate, may mitigate the Rate under this Act, or wholly remit it.

Until the borrowed Money shall be paid off, and the Annuities shall cease, the Rate shall not be less than 18*d.* in the Pound, unless Two Third Parts in Value of the Creditors shall consent.

If any Person shall think himself aggrieved by any Rate, he may appeal in 14 Days thereafter to the next Quarter Sessions, who may determine the Matter.

p. 1608. But the Justices shall not make any Alter-

ation in the Rates, unless they appear to be over or under rated.

Previous to any Appeal, the Appellant shall give Three Days Notice of his Intention to the Collector.

The Inhabitants shall be discharged from all Expences relating to the paving, &c. the Streets, except the Rates aforesaid.

The Commissioners may borrow at Interest p. 1609: any Sum, and assign the Rates as a Security; and every such Assignment shall be in the Words, or to the Effect following; (viz.)

*BY* virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [Set forth the Title of the Act], we,

of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of advanced and lent by A. B. to C. D. the Treasurer appointed in pursuance of the said Act, upon the Credit and for the Purposes of the said Act, do grant and assign unto the said A. B. his Executors, Administrators, and Assigns, such Proportion of the Rates arising by virtue of the said Act, as the said Sum of

doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Act, to be had and holden from this Day of until the

said Sum of with Interest, at per Cent. per Ann. for the same to be paid half-yearly, shall be repaid and satisfied.

In witness whereof we have hereunto set our Hands and Seals, this Day of

The Commissioners may raise Money by Life Annuities, either with or without Benefit of Survivorship, so that no such Annuity exceeds 10 per Cent. of its Purchase; and the Grant of every such Annuity shall be in the Words, or to the Effect following: p. 1610.

*WE*, of the Commissioners appointed by or in pursuance of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [Set forth the Title of the Act], in Consideration of the Sum of

paid by A. B. to C. D. the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said A. B. his Executors, Administrators, and Assigns, One Annuity or yearly Sum of

out of the Rates granted or arising by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said A. B. his Executors, Administrators, and Assigns, upon the in every Year, during the first Payment thereof to be made upon the

A. D. 1790.

C A P. LXXVII.

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*the next ensuing the Date of these Presents.*  
*In Witness whereof we have hereunto set our Hands and Seals, the Day of*  
*in the Year of our Lord One thousand*  
*from hundred and*

And every Annuity shall be charged upon, and payable out of the Rates; and shall, with the Interest of the borrowed Money, be paid by the Treasurer in the Mayor's Par-  
 lour.

p. 1611. Before any Money shall be borrowed, or Annuities granted, 14 Days Notice shall be given in some Newspaper published within the City.

Securities may be transferred in the Words, or to the Effect following:

*I E. F. being entitled to the Sum of*  
*[or an Annuity of]*  
*secured to* *Executors, Admini-*  
*strators, and Assigns, by virtue of a Mortgage*  
*or Assignment [or Grant of Annuity] bearing*  
*Date the* *Day of*  
*under the Hands and Seals of*  
*of the Commissioners for carrying into Execution*  
*an Act of Parliament, made in the Thirtieth*  
*Year of the Reign of King George the Third,*  
*intituled, [Set forth the Title of the Act],*  
*upon the Credit or arising out of the Rates*  
*granted by the said Act, do hereby transfer all*  
*my Right and Title in and to the same, and all*  
*Interest or other Money now due and owing*  
*thereon, unto G. H. his Executors, Adminis-*  
*tors, and Assigns. At witness my Hand, this*  
*Day of*

And Copies of all Mortgages and Grants of Annuities, and Memorials of all Transfers, shall be entered in a Book, which any Person interested may inspect without Fee; and for the Entry of every such Transfer, the  
 p. 1612. Clerk shall be paid 1s.; after which the Transfer shall entitle the Transferee to the Benefit thereof; and all Persons entitled to Securities shall be Creditors on the Rates in an equal Degree.

Out of the Money to be raised, the Commissioners shall, in the first Place, pay the Expence of obtaining this Act; and afterwards shall apply it in carrying the Purposes of this Act into Execution.

The Suburbs of the City shall be deemed to extend to and comprise certain Buildings near Warwick Row, also a new Row of Buildings situate without Bishop Street, fronting the South Wall of the Coventry Canal, also the Priory and Miller's Alley, and like-  
 p. 1613. wise such other Houses and Premises as shall have been under the recited Act deemed to be within the Suburbs.

3 F.

Some Time between April 20 and June 20, in every Year, the Commissioners shall make up an Account of all Money received and paid by them, and a Copy thereof, signed by them, shall be deposited with the Clerk of the Peace, who shall permit any Person interested to inspect it, on paying 6d. for each Inspection, and shall give Copies of it, on paying 6d. for every 100 Words.

Actions may be brought in the Name of the Treasurer or Clerk; and no Action shall abate by his Death or Removal.

Affirmation of Quakers shall have the same Effect as an Oath. p. 1614

All Penalties (the Manner of levying whereof is not hereby particularly directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and when recovered, shall be paid to the Treasurer, to be applied to the Purposes of this Act; and for Want of sufficient Distress, the Justice shall commit the Offender to Gaol or the House of Correction, for a Time not exceeding Three Months, nor less than Seven Days.

The Commissioners may compound for any Penalty incurred on Account of Breach of Contract, so as the Sum compounded for be not less than the Damage sustained. p. 1615

If any Person shall think himself aggrieved (except by any Rate) he may, within Four Months thereafter, appeal to the Quarter Session, and such Appellant shall give Notice within 21 Days after the Complaint shall have arisen of his Intention to the Clerk; and the Justices shall determine the Matter in a summary Way.

In all Proceedings, any Inhabitant shall be admitted to give Evidence.

Any Justice, before whom an Offender shall be convicted, may mitigate the Penalty incurred.

No Action shall be commenced until after One Month's Notice shall be given to the Commissioners Clerk, nor after Tender of sufficient Satisfaction hath been made to the Party aggrieved, nor Six Months after the Fact committed, and it shall be laid in Covenant; and the Defendant may plead the General Issue, and give the special Matter in Evidence, and that the same was done in pursuance of this Act: And if it shall so appear, or that such Action shall be brought contrary hereto, the Jury shall find a Verdict for the Defendant; in which Case, or if the Plaintiff shall be nonsuited, or discontinue his Action, &c. the Defendant shall recover Treble Costs.

This shall be deemed a Publick Act; and shall be judicially taken Notice of as such, by all Judges, &c.



An ABSTRACT of an Act to continue an Act, made in the Sixth Year of His present Majesty's Reign, intituled, *An Act to regulate the Loading of Ships with Coals, in the Ports of Newcastle and Sunderland.*

*Anno tricesimo* GEORGII III. Regis.

C A P. LXXVIII.

p. 1619. **T**HE Preamble recites 6 Geo. III, Cap. 22, to regulate the Loading of Ships with Coals, in the Ports of Newcastle and Sunderland, which Act was continued and enlarged by 13 Geo. III, Cap. 22, and 22 Geo. III, Cap. 32, but the same expires at the End of this Session: And States, That the further Continuance of it will be of great publick Utility; it is therefore enacted, That the recited Act of 6 Geo. III, shall be continued in Force until March 25, 1797, and from thence to the End of the then next Session.

An ABSTRACT of an Act for rebuilding the Parish Church of *East Grinstead*, in the County of *Suffex*.

*Anno tricesimo* GEORGII III. Regis.

C A P. LXXIX.

p. 1623. **T**HE Preamble States, that in 1783 the Church of *East Grinstead* was demolished by the falling of the Steeple; and that the Inhabitants of the Parish have exerted their utmost Endeavours to rebuild it, but find they cannot raise Money sufficient to effectuate the Purpose without the Aid of Parliament: It is therefore enacted, That the Trustees, or any Five of them, may rebuild the Church in such Manner as they think proper; and may raise 4,000 l. for that Purpose.

Lord George Cavendish, the Hon. George Germaine, Sir John Henniker, Sir George Farmyr, Barts. George Bethune D. D.; the Representatives in Parliament for *East Grinstead*; the Minister and Churchwardens of that Parish; George Medley, Richard Ford, James Evelyn, John Henniker, Robert Burrow, Gibbs Craufurd, Charles Payne Craufurd, Gibbs Craufurd junior, Charles Bid-

dolph, George Breaks, William Board, Edward Cranston, Bladen Swiney, Thomas Whalley Partington, Thomas Wakeham, Thomas Partington junior, the Rev. Stileman Bostock, the Rev. Henry Chasfield, Richard Wyatt, the Rev. Thomas Trebeck, Bish Shelley, John Shelley, John Newnham, Henry Humphrey, Abraham Atkins, John Collins, George Hankin, Edward Boodle, Benjamin Hugget, George Sawyer, Charles Sawyer, William Foath, John Turley, Robert Turner, Joseph Tubbs, John Morfett, Philip Constable, John Ready, Storer Ready, Richard Austin, Richard Austin junior, Stephen Day, William Payne, George Langridge senior, William Ifsted, Anthony Hudson, Robert Hilton, Alexander Donald, John Batchelor, William Isard, John Balcomb, John Brown, Thomas Richardson, Thomas Fowle, William Gardiner, George Knight, the Rev. Mutton Lambard, the Rev. Thomas Lambard, the Rev. William Humphrey, the Rev. Chamberlain

*lain Davis*, and the Rev. *John Walker*, shall be Trustees for putting this Act in Execution.

The Trustees, or any Five of them, shall meet at the *Swan* in *East Grinstead*, on the Second *Wednesday* after the passing of this Act, or as soon after as convenient, between 12 and Three, to put it in Execution, and shall adjourn to that or any other Place within the Parish, as they think proper.

Notice of all Meetings (except those by Adjournment) shall be given on the Church-yard Gates Seven Days previous thereto; and at all Meetings the Trustees shall pay their own Expenses.

The Trustees, at any public Meeting (but not at an adjourned one) may appoint, during Pleasure, a Treasurer and Clerk, and such other Officers (not being *Quakers*) as may be necessary, with such Allowances as they think proper: But they shall take Security from the Treasurer.

The Trustees shall allot Pews in the new Church to the Parishioners having a Tide thereto in the old Church; and in such Allotment, Consideration shall be had to the annual Value of the Farms and Houses in the Parish, and they shall number the Pews, and enter the same, with the Names of the Farms, and Descriptions of the Houses to which the Pews shall be allotted, in a Book, to be preserved in the Vestry, for the Inspection of all Persons interested.

The Trustees may build the Church by Contract, and advertise for Proposals and Plans.

The Trustees shall, Twice or oftener in every Year, assess the Occupiers of Premises within the Parish, in any Sum not exceeding 1s. in the Pound of the yearly Rent thereof.

The Rate shall be payable Quarterly, at *Midsummer*, *Michaelmas*, *Christmas*, and *Lady-day*, the First Payment to be made at *Midsummer* next; One Half of which shall be paid by the Landlord, and the other by the Tenant.

The Tenant shall notwithstanding pay the Whole of the Rate, and may deduct out of his Rent the Landlord's Half.

Every Person employed in the Receipt of Money shall, quarterly, and as often as he shall be required, deliver in an Account (and if desired) on Oath of his Receipts and Disbursements, and of all other Matters relating to his Office; and shall also deliver in all Books and Papers, and pay over the Balance in his Hands: And if he neglects to account or to deliver up his Books and Papers, any Two Justices for *Sussex* may commit him to Gaol till he complies; and if he shall neglect to pay over the Balance in his Hands, any Two Justices may order it to be

levied by Distress and Sale of the Defaulter's Goods; and for Want of sufficient Distress shall commit him to Gaol until the Money is paid or compounded for.

If any Person shall neglect to pay the Rate for 30 Days after it is demanded, the Collector shall, by Warrant of Two Justices, levy it by Distress and Sale of the Defaulter's Goods; and in case such Goods shall be sequestered, so that Distress cannot be made, the Justices shall commit the Offender to Gaol or the House of Correction, for a Time not exceeding Three Months.

When any Person shall quit his Premises before he shall have paid the Rate, and shall afterwards refuse to pay it when due, the Collector, by Warrant of Two Justices of the County, and, if the Goods be removed out of their Limits, countersigned by a Magistrate of the Place where the Distress is to be made, may levy Payment by Distress and Sale of the Defaulter's Goods.

If any Person shall find himself aggrieved, he may apply to the Quarter Sessions for *Sussex*, who shall finally determine the Matter, but such Appeal shall be made within Three Months after the Cause of Complaint shall have arisen; and the Appellant shall give 10 Days Notice of his Intention to the Trustees Clerk, and within Three Days thereafter enter into a Recognizance before a Justice, conditioned to abide the Order of the Quarter Sessions.

Any Collector or other Person appointed by the Trustees may inspect the Poor Rates, or Land Tax for the Parish, in order to ascertain the Rates aforesaid.

The Trustees may borrow 4,000 l. by Life Annuities, or by Mortgage; which Annuities, or borrowed Money, shall be charged on the Rates.

The Names of Annuitants and Mortgagees shall be entered in a Book; which Book all Persons interested may inspect without Fee.

No Annuity shall be subject to any Tax whatsoever.

Annuities may be transferred; and an Entry of all such Transfers shall be made in the Book required to be kept in the Vestry Room, for which 1s. shall be paid.

The Trustees may assign the Rates to such Persons as shall lend Money thereon; which Assignments shall be made in the Form following, or in any other to the like Effect; (*viz.*)

By virtue of an Act of Parliament made in the Thirtieth Year of the Reign of His Majesty King George the Third, for rebuilding the Parish Church of East Grinstead, in the County of Sussex, we  
of the Trustees, in Consideration of the Sum

Sum of to A. B. our  
Treasurer in Hand paid, do grant, bargain,  
sell, and assign unto C. D. his Executors, Ad-  
ministrators, and Assigns, such Proportions of  
the Rates, Assessments, and other Monies arising  
or to arise by virtue of the said Act, as the said  
Sum of do or shall  
bear to the Whole of the Sum advanced, or to  
be advanced, on the Credit thereof; to be had  
and holden, received and taken, by the said  
C. D. his Executors, Administrators, and As-  
signs, from this Day of  
until the said Sum of  
with Interest for the same, at the Rate of  
per Cent. per Ann. by equal half-  
yearly Payments, shall be repaid and satisfied.

And Copies of all such Securities shall be  
entered as aforesaid; and the Persons en-  
titled thereto may transfer the same.

p. 1635. The Materials of the old Church shall be  
vested in the Trustees, who may sell them  
for the Purposes of this Act.

The Trustees shall cause Entries to be  
made of all Money arising by virtue of this  
Act, and on Account of the Brief granted for  
rebuilding the Church, and also of all other  
their Proceedings, in Books to be kept for the  
Purpose.

p. 1636. When any Trustee shall die or refuse to  
act, those remaining may appoint another,  
who is a Parishioner, or is seised of an Estate  
in the Parish.

Trustees undertaking any Part of the

Building, or concerned in any Contract, shall  
be disabled from acting.

The Expence of obtaining this Act shall  
be defrayed out of the first Money arising by  
virtue thereof.

No Distress shall be deemed unlawful, nor  
the Party making it be deemed a Trespasser  
on Account of any Want of Form in the Pro-  
ceedings, nor shall he be deemed a Tres-  
passer *ab initio*, on account of any Irregu-  
larity afterwards done; but the Person ag-  
grieved by such Irregularity may recover Sa-  
tisfaction for the Special Damage in an Ac-  
tion on the Case.

No Plaintiff shall recover in any such Ac-  
tion, if previous thereto Tender of sufficient  
Amends be made; and in Default thereof,  
the Defendant, before Issue joined, may pay  
into Court such Sum as he shall see fit; where-  
upon the usual Proceedings shall be had.

No Proceedings shall be removed into any  
Court of Record at *Westminster*.

No Action shall be commenced Six Months  
after the Fact committed; nor shall it be  
tried in any other County than that in which  
the Matter shall have happened; and the  
Defendant may plead the General Issue, and  
give the Special Matter in Evidence; and  
if he obtains a Verdict, or if the Plaintiff  
shall become nonsuit, the Defendant shall  
have Treble Costs.

This shall be deemed a publick Act; and  
all Judges, &c. shall take Notice thereof ac-  
cordingly.

An ABSTRACT of an Act for providing a Workhouse  
for, and for the better Relief and Employment of the  
Poor of, the Parish of *Streatham*, in the County of  
*Surrey*; and for appointing an additional Overseer for  
the better Government of the Poor of the said Parish.

Anno tricesimo GEORGII III. Regis.

C A P. LXXX.

p. 1643. THE Preamble sets forth, That the  
Poor of the Parish of *Streatham* are  
exceedingly numerous; and if a Workhouse  
were to be provided for them the Rates for  
their Relief would be rendered less burthen-  
some, and the Poor better maintained: And  
that many Evils would be remedied, if Power

was given to appoint a fit Person as an ad-  
ditional Overseer of the Poor: It is therefore  
enacted, That Lord Viscount *Deerhurst*, Lord  
*John Russell*, Lord *William Russell*, Sir *Abraham*  
*Pitches* Knight, the Rev. *Richard Bullock* D.D.  
*Daniel Macnamara*, *John Smith*, *John Bright*,  
*John Whitelock*, *Peter Brown*, *Samuel Rusb*,  
*William*

*William Wilkinſon, Thomas Stallard Penoyre, Thomas Harrison, John Holmes, Alexander Anderson, Robert Hunter, John Peat, Joſeph Pickergill, Rowland Richardſon, George Wolff, Henry Thomas, Thomas Holmes, William Winkworth, John Hankey, and Richard Fairfield, Eſqrs.; Hugh Smith M. D. the Rev. Reynold Davies, Richard Ray, Richard Harrison, Matthew Kitchen, Benjamin Waples, James Conſtable, Stephen Clarke, George Robinson, George Robinson junior, Joſeph Brown, Thomas Muſon, John Heath, Thomas Gray, and Joſ. Charington, Gents.* with the Lord of the Manor of *Teſting Beck*, the Lord of the Manor of *Leigham*, and the Rector, Churchwardens, and Overſeers of the Poor of the ſaid Pariſh, ſhall be Guardians of the Poor of the Pariſh of *Streatham*, in the County of *Surrey*, and be Truſtees for providing a Workhouſe, and for governing the Poor.

In caſe of the Death of any Guardian, (except Guardians by virtue of their Office), or of his Removal out of the Pariſh, or Refuſal to act, thoſe remaining ſhall give Notice on ſome *Sunday* in the Pariſh Church, to be read immediately after Morning Service, and alſo by Writing affixed on the Church Door, of the Time of a Meeting to be held, within Seven Days, in the Veſtry Room, or ſome other convenient Place, for the Purpoſe of electing one in his Stead; and the Pariſhioners paying to the Relief of the Poor for 20 *l. per Ann.* or upwards, may elect One of themſelves to that Office.

The Lords of the Manors of *Teſting Beck* and *Leigham*, and the ſaid Rector for the Time being, ſhall be Guardians and Truſtees for Life, whether they reſide in the Pariſh or elſewhere.

The Powers veſted in the Guardians may be executed by the Majority of them preſent at any Meeting, (the Number preſent not being leſs than Five, except where another Number is mentioned).

The Guardians ſhall meet in the Veſtry Room on the *Monday* Fortnight after the paſſing of this Act, between Nine and Twelve in the Forenoon, to put it in Execution, and ſhall afterwards meet by Adjournment; and if a ſufficient Number do not attend to act and to adjourn, or if Adjournment ſhall be neglected, the Clerk ſhall adjourn the Meeting to that Fortnight on which the laſt was held or appointed to have been held, giving Notice as aforeſaid; and the Guardians at all Meetings ſhall defray their own Expences; and ſuch of them as are in the Commiſſion of the Peace may act as Juſtices in the Execution of this Act (except where perſonally intereſted).

If it appears expedient, at any Time, any Two Guardians may order a Meeting to be

ſummoned by giving Three Days Notice thereof.

Previous to any other Buſineſs the Guardians ſhall elect a Chairman, who ſhall have the caſting Vote.

The Guardians may make ſuch Bye Laws for the better governing of the Poor, as they think proper; and all ſuch Bye Laws, with their other Proceedings, ſhall be entered in a Book and ſigned by the Chairman, which Book may be read in Evidence.

No Bye Law, or other Proceeding, ſhall be revoked but by a greater Number of Guardians than originally concurred therein.

No Guardian ſhall be capable of acting while he holds any Office, or is concerned in any Contract under this Act.

The Guardians may ſue and be ſued in the Name of their Treafurer, and no Action ſhall abate by his Death or Removal.

The Guardians may appoint, during Pleaſure, a Treafurer, Clerk, Maſter and Miſtreſs of the Workhouſe, and ſuch other Officers as they think neceſſary, of whom they may take Security, and to whom reaſonable Salaries ſhall be allowed.

The Guardians may raiſe, by Life Annuities, 4,000 *l. ſo.* as no ſuch Annuity ſhall exceed 10 *l. per Cent.* of the Purchase Money.

The Annuities ſhall be charged upon and payable out of the Poor Rates, free of all Taxes.

Perſons entitled to Annuities may transfer the ſame, which Transfer, after a Memorial thereof ſhall be entered in a Book, ſhall be effectual to veſt the Benefit of it in the Tranſferee.

The Guardians ſhall ereſt, on the Piece of Ground allotted for the Purpoſe, One or more Houſes, with ſuitable Offices, for the better receiving and employing the Poor, and ſhall furniſh the ſame with every Requiſite; and the Expence ſhall be paid out of the Money ariſing by this Act.

The Guardians may enter into any Contract for building and furniſhing the Workhouſe; and in caſe of Breach thereof, an Action may be brought for Damages againſt the Defaulter.

All Contracts, and all Receipts and Payments, ſhall be entered in a Book, which, with the Book aforeſaid, ſhall be open to the Peruſal of every Perſon intereſted.

The Churchwardens, or their Treafurer, ſhall pay ſuch Sums as the Guardians ſhall draw upon them for to the Treafurer, or the Annuitants, within Seven Days after the Order, out of the Poor Rates.

The Guardians ſhall, at their Firſt Meeting, appoint an additional Overſeer of the Poor, and may allow him a yearly Salary, not exceeding 100 *l.*; and he ſhall have the ſame

same Power to act as any of the present or future Overseers of the Poor, (except with regard to the making and collecting of Rates).

p. 1654. The additional Overseer shall continue in Office until *Whit Tuesday* 1791, and then, and so annually afterwards on that Day, or within 10 Days thereafter, the Guardians shall either agree with the Person holding the Office to continue another Year, or appoint a new one; and in case any such additional Overseer shall die or be removed from his Office, or be incapable of doing his Duty, another shall forthwith be appointed in his Room.

Every additional Overseer, before he acts, shall sign an Agreement in the Book of Proceedings, signifying his Acceptance of the Office, and of his Salary, and also take the following Oath; (*viz.*):

p. 1655. *I A. B. do swear, That in all Cases in which I shall act as Overseer of the Poor of the Parish of Streatham, in the County of Surrey, appointed in pursuance of an Act, made in the Thirtieth Year of the Reign of His Majesty King George the Third, intituled, (Set forth the Title of the Act), I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Trusts, Powers, and Authorities, reposed in me by the said Act.*

*So help me GOD.*

The whole Management of the Poor shall be vested in the additional Overseer, subject to the Controul of the Guardians, whose Bye Laws and Directions he shall obey, and the Churchwardens and Overseers shall have the Power only of making and collecting the Poores Rates.

p. 1656. After the Appointment of such additional Overseer, One of the Churchwardens shall, by the Inhabitants in Vestry assembled as aforesaid, be appointed Treasurer to receive the Rates, and after making the Payments required by the Guardians as herein-before directed, shall pay such Sums to the additional Overseer as he shall require for the necessary Expences of the Poor, taking Receipts for the same, in which shall be expressed the general Purposes for which the Money is wanted.

The Guardians shall hold Quarterly Meetings for inspecting the Accounts of the additional Overseer, and of the Parish Treasurer; and the First Meeting shall be held on the First Quarter Day after the Appointment of the additional Overseer, and all future Quarterly Meetings on the First *Tuesday* after the Days following; *viz.* Oct. 10, Jan. 5, April 5, and July 5; at which Meetings

the Parish Treasurer shall produce an Account of the Money he has received, and also the Receipts of the additional Overseer for the Money paid to him, who shall produce an Account of his Receipts and Disbursements, and deliver in an Account of the Number of Persons in the Workhouse, distinguishing their Age and Sex, how they are employed, and how much Money they have earned the preceding Quarter, and such Accounts shall be left at the Workhouse for the Inspection of every Person paying to the Rate; and the additional Overseer shall, if required, verify his Accounts on Oath.

If any Overseer shall neglect to collect the Rates for 14 Days, and Complaint shall be made by the Treasurer to a Justice, he shall, unless he shews just Cause, forfeit to the Poor a Sum not exceeding 10*l.* nor less than 40*s.*

Every Overseer shall, within 10 Days after they have collected 10*l.* or upwards, for the Poor, pay over the same to the Parish Treasurer, and in Default of rendering an Account and Payment, any Justice for Surrey may enquire into the Matter, and if the Party complained of shall not, within Six Days thereafter, comply, the Justice shall cause the Money to be levied by Distress and Sale of the Offender's Goods; and for Want of sufficient Distress shall commit him to Gaol or the House of Correction, until he renders an Account, and makes Payment.

Money coming to the Hands of the Churchwardens or Overseers, or of any other Person in Trust for the Poor, shall be paid over to the Guardians or their Treasurer, who shall apply it according to the Will of the Donor.

If any additional Overseer shall neglect his Duty, or misbehave himself in his Office, any One of the Guardians, Churchwardens, or Overseers, may summon a Meeting of the Guardians in Manner before directed; and if there is Foundation for Complaint, the Guardians may dismiss him.

If any Person shall disturb the additional Overseer in the Execution of his Office, any Justice, on Proof of the Offence, may punish the Offender by Fine, not exceeding 40*s.* nor less than 10*s.* for the Use of the Poor.

If any additional Overseer shall furnish (for his own Profit) any Thing for the Poor, or be concerned in any Contract, he shall forfeit a Sum not exceeding 10*l.* nor less than 40*s.*

The additional Overseer shall set the Poor to work in such Manner as the Guardians shall think proper, and shall receive and order all idle Persons who neglect to maintain their Families, and also all other People who beg, and belong to *Streatham*, to come into the Workhouse, and

and there maintain and employ them, so long as they require the Aid of the Parish; and if any such idle Person shall not, by his Labour, be able to get so much Money as shall be sufficient to reimburse the Expence of maintaining him or his Family, the Guardians shall keep him to hard Labour for 30 Days, or such other Time as they think fit, and may cause him to be punished by moderate Correction, &c.

The Workhouse, and all Things provided for the Poor, with the Money arising from Labour, shall be vested in the Guardians, who may bring Actions against all Persons who shall disturb them in the Possession thereof; and if any of the Poor maintained in the Workhouse shall be guilty of any of the Offences aforesaid, or shall sell or pawn any Thing belonging to the Guardians, or if any Person shall run away from the Workhouse with its Cloaths, any Justice may issue a Warrant for the apprehending of such Offender, whom he shall, on Conviction, send to the nearest House of Correction to be publicly whipped; and for the Second Offence such Offender shall be deemed guilty of Felony, and shall suffer such Punishment as Persons convicted of Petit Larceny are liable to.

If any Person shall buy, receive into pawn, or secrete any of the Cloaths of the Poor maintained in the Workhouse, or any Thing belonging to it, the Offender shall forfeit a Sum not exceeding 5*l.* nor less than 40*s.* on Conviction, on the Oath of a credible Witness, before a Justice, One Half of which Penalty shall go to the Informer, and the other to the Use of the Parish.

Any One of the Guardians, in the Absence of the additional Overseer, may order Relief to any Person who shall meet with any Hurt or Accident, or whose Case will not admit of Delay.

If any Person maintained in the Workhouse shall be guilty of profane or disorderly Behaviour, or commit Waste, or shall neglect the Work required to be done, the Offender may be punished, either by Abatement of Diet, Distinction of Dress and Diet, or by solitary Confinement, such Punishment to be inflicted by Order of the additional Overseer.

Out of the Profits arising from Labour, such small Rewards shall be distributed to the Industrious in Proportion to the Quality and Perfection of their Work, as to the additional Overseer shall appear reasonable.

The Guardians may grant Certificates to Persons whose legal Settlement shall be in the Parish, who are willing to remove, or have removed out of it, which Certificates, attested by the Clerk, and signed by Two Justices, shall be valid; and all Certificates

or Bonds for Maintenance of Bastards in the Hands of any Parish Officer, shall be forthwith delivered to the Guardians Clerk, and the Guardians shall sue on such Bonds, and recover the Penalties; and all Bonds hereafter to be given shall be made to the Guardians only.

Poor Children shall remain, until they arrive at the Age of 14, under the Care of the Guardians, who may then, or sooner if they think fit, bind such Children Apprentices to any Trade, or to the Sea Service, for a Term not exceeding Seven Years, or until they (being Males) shall attain the Age of 21, or (being Females) until they attain the Age of 18, or Day of Marriage; and the Guardians shall provide necessary Cloathing for such Apprentices on their being bound.

The Guardians may discharge or hire out any of the Poor Children, either before or as soon as may be after attaining the Age of 14, to be yearly Servants; and may hire them out, as also any other of the Poor, to labour in the Harvest, or at any other Time, for their own Benefit; and the Poor, after having completed their Work, shall return with their Working Implements (if any) and the Apparel where with they went out to work, to the Workhouse, or in Default thereof may be apprehended by Warrant of a Justice.

Any Inhabitant shall be deemed a competent Witness.

All Penalties (the Recovery and Application whereof is not herein-before directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice, and when recovered shall be applied towards the Maintenance of the Poor; and in case sufficient Distress shall not be found, the Justice shall commit the Offender to Gaol or the House of Correction for any Time not exceeding Six Months.

If any Person shall think himself aggrieved, he may appeal to the First or Second Quarter Sessions for Surrey after the Complaint shall have arisen, such Appellant first giving 10 Days Notice of his Intention to the Guardians Treasurer or Clerk, and within Four Days thereafter entering into a Recognizance before a Justice, conditioned to abide the Order of the Quarter Session, who may finally determine the Complaint in a summary Way.

No Proceedings touching the Conviction of any Offender shall be qualified for Want of Form, or be removeable into any Court of Record at Westminster; and where any Distress shall be made, it shall not be deemed unlawful, nor the Party making it be deemed a Trespasser, on Account of any Irregularity; but the Person aggrieved may recover Satisfaction



Satisfaction for the special Damage in an Action on the Case.

Justices shall cause Convictions to be drawn up in the following Form, or in any other to the same Effect :

**BE** it remembered, That on the \_\_\_\_\_ Year  
Day of \_\_\_\_\_ in the \_\_\_\_\_  
of His Majesty's Reign, and in the Year of  
our Lord \_\_\_\_\_ A. B. is  
convicted before  
Majesty's Justices of the Peace for the said  
County, by virtue of an Act, made in the Thir-  
tieth Year of the Reign of King George the  
Third, intituled, [Here insert the Title of  
the Act, specifying the Offence, and when  
and where committed.]

Given under my Hand and Seal [or our  
Hands and Seals], the Day and Year first  
above-written.

p. 1668. The Expence of obtaining this Act shall

be paid out of the first Money which shall  
come to the Guardians Hands.

No Action shall be commenced until 21  
Days Notice shall have been given to the  
Treasurer or Clerk, nor after Tender of  
Satisfaction has been made; nor unless it be  
brought within Six Months after the Com-  
plaint shall have arisen, and laid in Surrey;  
and the Defendant may plead the General  
Issue, and give the Special Matter in Evi-  
dence: And if it shall appear to be done in  
pursuance of this Act, or that the Action  
is brought contrary hereto, the Jury shall  
find for the Defendant; and on such Ver-  
dict, or if the Plaintiff shall be nonsuited, or  
discontinue his Action, &c. or if on De-  
murrer Judgement be given against him, the  
Defendant shall have Treble Costs.

This shall be deemed a Publick Act; and  
shall be judicially taken Notice of as such,  
by all Judges, &c.

An ABSTRACT of an Act for providing a new Poor-  
house for, and for the better Relief and Government of  
the Poor of, the Township of *Manchester* in the County  
of *Lancaster*.

Anno tricesimo GEORGII III. Regis.

C A P. LXXXI.

p. 1671. **T**HE Preamble sets forth, That the Poor  
of *Manchester* are become exceedingly  
numerous; and it would tend to their better  
Relief, and be of Benefit to the Inhabitants,  
to have a commodious Workhouse provided  
in lieu of the present, which is too small:  
p. 1672. It is therefore enacted, That the Church-  
wardens of the Collegiate and Parish Church  
of *Chris. in Manchester*, and the Overseers  
of the Poor there, shall be vested with full  
Power for putting this Act in Execution.

The Churchwardens and Overseers, or any  
Five of them, whereof Two to be Church-  
wardens, shall, within 10 Days after the  
passing of this Act, in pursuance of Notice  
from the Senior Churchwarden, meet at such  
Time and Place as he shall appoint, to put  
it in Execution, and afterwards adjourn  
as they think proper; and if at any Meeting  
there shall not appear a sufficient Number to  
act, any One may adjourn the Meeting to

some Time, not less than Two nor more  
than Seven Days Distance, of which Notice  
shall be given; and in Default of Adjourn-  
ment, the Churchwarden standing first in  
Appointment shall appoint another Meeting,  
at such Time and Place as he may think fit,  
within the same Period.

The Churchwardens and Overseers, before  
they act, shall take an Oath in the Words,  
or to the Effect following; (viz.):

**I** A. B. do swear, That I will faithfully, im-  
partially, and honestly, according to the best  
of my Judgement, execute the several Trusts  
and Powers rep-<sup>d</sup> in me by virtue of an Act  
passed in the Thirtieth Year of the Reign of His  
Majesty King George the Third, intituled, An  
Act, &c. [Here insert the Title of the Act],  
and that without Favour or Affection, Prejudice  
or Malice.

So help me GOD.

Which Oath they shall administer to each other.

There shall be a monthly Meeting, the Time to be fixed by the Senior Churchwarden, who shall also appoint the Place of Meeting, until a new Poor House shall be provided, where it shall afterwards be held, except in such extraordinary Cases as shall, in the Opinion of Two Justices, and of the Churchwardens and Overseers, be deemed sufficient to justify a Meeting elsewhere.

p. 1674. At all monthly Meetings Three of the Churchwardens and Overseers (One whereof to be a Churchwarden) may proceed to Business; and at these, all Matters relating to this Act may be transacted, except what is exclusively appropriated to the Quarterly Meetings.

The Churchwardens and Overseers shall hold Quarterly Meetings at the Place, and in the Manner herein-before prescribed for Monthly Meetings, and on the following Days; viz. on the First Monday after March 25, the First Monday after June 24, the First Monday after Sept. 29, and the First Monday after Dec. 25; at which Quarterly Meetings all Accounts shall be examined and signed; and the Proceedings of the Monthly Meetings shall be revised, and may be altered, except the necessary Payments in Support of the Poor; and a General Statement of the Poor House, containing, in separate Columns, an Account of their Number, distinguishing their Age and Sex, how they have been employed, and how much Money hath been earned by their Labour the preceding Quarter: But no Business transacted at the Quarterly Meetings shall be valid, unless Five shall be present at such Meeting (Two whereof shall be Churchwardens).

Any Two Churchwardens may convene a Special Meeting, at which the same Regulations shall be observed as at Quarterly Meetings.

At all Meetings the Churchwardens and Overseers shall defray their own Expences.

p. 1673. The Premises used as a Poor House shall be vested in the Churchwardens and Overseers; who, or any Five of them (Two being Churchwardens), shall, with the Consent of the Majority of the Persons assessed to the Poor Rate, present at a Meeting to be called for that Purpose, sell the same; and the Money arising thereby shall be applied for the Purposes of this Act.

When the Purchase Money shall be paid to the Churchwardens, the Purchasers shall not afterwards be answerable for its Misapplication.

p. 1677. The Churchwardens and Overseers may appoint, during Pleasure, a Governor, Matron, and such other Officers as they think

necessary, to oversee the Poor; and they may appoint some Clergyman to instruct them; to which Clergyman and Officers reasonable Salaries shall be allowed; and the Form of their Appointment shall be to the following Purport:

*WE, the Churchwardens and Overseers of p. 1678.*  
the Poor of the Township of Manchester,  
in the County of Lancaster, do hereby appoint  
A. B. to execute the Office of  
to the Poor House in the said Township; and  
we, the Churchwardens of the Collegiate and  
Parish Church of Christ, do order an Allow-  
ance after the Rate of , which  
we agree and promise to pay to the said A. B.  
for such Time as he shall execute the said  
Office.

The Justices within the Division of Manchester may visit the Poor House as they think proper, and Two of them may appoint any Person to visit the same in their Behalf; and they may inform themselves of every Thing relating to the Management and Conduct of the Poor, and report to the next Quarter Sessions for Lancashire, and the Clerk of the Peace shall inroll the Report among the Records of the Court, for which he shall be paid 2 s. 6 d.

The Churchwardens and Overseers, with Consent of the Persons assessed to the Poor Rate, present at a Meeting to be called for the Purpose, may purchase or hire any Land not exceeding 10 Acres, in any Place within Two Miles of Manchester, in the Name of any Five of them, (Three whereof to be Churchwardens); and may fit up any Buildings that may be standing on the Premises for a Poor House, or may build one thereon according to such Plan as shall be approved of; and they shall, out of the Money arising by this Act, pay the Purchase Money, and all Charges necessary for effecting the above Purposes; and such Poor House and Premises shall be vested in them, in Trust for the Township. p. 1679.

The Premises hired or purchased, and the Buildings which may hereafter be erected, shall be free from all Taxes, except those paid previous to the Purchase.

All Bodies Politick, &c. Trustees, and all Persons possessed of, or interested in, any Premises necessary for the Purposes aforesaid, may sell and convey, or lease the same, to the Churchwardens and Overseers; and all such Sales, Conveyances, and Leases, shall be good in Law. p. 1681.

The Purchase Money to be paid to any Body Politick, &c. Trustee, or any Person whose Premises are limited in strict Settlement, shall, if it exceeds 20 l. be laid out in p. 1682.  
the

the Purchase of other Premises, to be settled to the same Uses as those for which the Money was paid.

Every Tenant at Will, or Lessee for a Year, of Premises purchased under this Act, shall, on the Expiration of Six Months after receiving Notice, deliver up Possession to the Churchwardens and Overseers, who, in Default thereof, may issue their Precept to the Sheriff to deliver Possession, who shall give Possession accordingly, and levy the Costs attending it, by Distress and Sale of the Defaulter's Goods.

All Premises purchased out of the Township shall, while used as a Poor House, be deemed within the Township.

The Churchwardens and Overseers, at any Quarterly or Special Meeting, may contract with Persons for building the Poor House, and for all Things expedient for maintaining and supporting the Poor.

p. 1684. Previous to any Meeting for making Contracts, 31 Days Notice shall be given in Two of the Manchester Newspapers, that Persons may give in Proposals.

All Contracts, Receipts, and Disbursements, and all other Proceedings of the Churchwardens and Overseers, shall be entered in a Book, which may be inspected by any Inhabitant rated to the Poor.

No Churchwarden or Overseer shall have any Interest in any Contract, or furnish any Thing for the Use of the Poor; and if he shall offend herein, he shall, on Conviction before Two Justices, forfeit 40 l. to be levied by Distress and Sale of the Offender's Goods; One Half of which Penalty shall be paid to the Informer, and the other applied to the Purposes of this Act.

The Furniture, and other Things, provided for the Use of the Poor, shall be vested in the Churchwardens and Overseers, who may bring Actions, or prefer Bills of Indictment, against Persons who shall damage or take any Part thereof.

p. 1685. No Action brought by the Churchwardens and Overseers shall abate, by the Death or Removal of any of them.

Any Inhabitant, or poor Person, shall be deemed a competent Witness.

The Churchwardens and Overseers, with the Consent of the Persons assessed to the Poor Rate, at a Meeting called for this Purpose, may borrow Money for the Purposes of this Act, in Sums not less than 50 l. nor exceeding 100 l. each; and any Five of them, Three whereof to be Churchwardens,

p. 1687. may assign over the Rates as a Security; all which Assignments shall be in the Words, or to the Effect following; (viz.)

*W*E, the Churchwardens and Overseers of the Poor of the Township of Manchester,

in the County of Lancaster, in pursuance of an Act of Parliament, made in the Thirtieth Year of King George the Third, intituled, [Here set forth the Title of the Act], in Consideration of the Sum of

paid by  
do hereby assign unto the said  
Executors, Administrators, and Assigns, the  
Rates or Assessments to be made and collected  
for the Relief of the Poor of the said Township,  
to hold unto the said  
Executors, Administrators, and Assigns, until  
the said Sum of  
together with Interest for the same, after the  
Rate of Five Pounds per Cent. per Ann.  
shall be fully satisfied and paid. In Witness  
whereof we have hereunto set our Hands and  
Seals, the Day of in the  
Year of our Lord

And all Persons entitled to such Assignments shall be Creditors on the Rates in an equal Degree.

The Churchwardens and Overseers may raise, with the Consent aforesaid, Money by Life Annuities, so as no such Annuity be granted for the Life of any Person under the Age of 45, and so as no such Annuity exceeds Nine per Cent. on a Life under the Age of 50, or 10 per Cent. on a Life under 60, or 12 per Cent. on a Life of 60, or upwards; and the Grant of every such Annuity shall be in the Words, or to the Effect following:

*W*E, the Churchwardens and Overseers of the Poor of the Township of Manchester, in the County of Lancaster, in pursuance of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [set forth the Title of the Act], in Consideration of the Sum of

paid by  
do hereby grant unto the said  
Executors, Administrators, and Assigns, an  
Annuity or yearly Sum of  
out of the Rates or Assessments to be made for  
the Relief of the Poor within the said Parish;  
which Annuity, or yearly Sum of  
shall be paid to the said

Executors, Administrators, and  
Assigns, at upon the  
in every Year, during the natural Life  
of and the First  
Payment thereof shall be made upon the

Day of  
next ensuing these Presents. In Witness whereof,  
we have hereunto set our Hands and Seals, the  
Day of  
in the Year of our Lord

And every such Annuity shall be charged upon, and payable, free from all Taxes, out of the Poor Rates, and the Place of Payment

ment shall be mentioned in the Grant; but before any Money shall be borrowed, 31 Days Notice shall be given in Two of the Manchester Newspapers, and also by Writing affixed on the Church Door, and the Money raised by Mortgage and Annuities shall be applied in providing a Poor House; and in case there shall be any Overplus, it shall be applied in like Manner as the Poor Rates.

p. 1690. All Securities may be transferred, which Transfer may be made by Indorsement thereon, in the Presence of a credible Witness, in the Words, or to the Effect following; (viz.)

*I Do assign and transfer the within Security, and all my Right, Title, and Interest in and to the same, and the Money thereby secured, unto*

*Executors, Administrators, and Assigns. Witnesses my Hand, the Day of*

And Copies of all Assignments, Grants of Annuities, and Transfers, shall be entered in a Book, which may be inspected, by any Person interested, without Fee; for the entry of which 2s. 6d. shall be paid, and after such Entry the Deed shall be valid.

If it shall hereafter become necessary to encrease the Workhouse, or to make some considerable Repairs, the Churchwardens and Overseers may, with the Consent aforesaid, borrow at Interest, or by granting Annuities for Life on the Credit of the Poor Rates, such Sum as may be wanted for these Purposes.

The Churchwardens and Overseers shall make and levy such Rates yearly as will be equal, as well to the current Relief of the Poor, and the Interest of the borrowed Money, and the Annuities granted, as also to the Payment of at least 5l. per Cent. of the Principal; which Reduction of the borrowed Money shall be punctually made.

p. 1691. The Churchwardens and Overseers, at any of their Quarterly or Special Meetings, shall cause the Numbers of the Assignments to be written on separate Slips, and put into a Box, and so many Numbers shall be drawn as shall make up the Sum intended to be paid off; which Numbers shall be entered in the Minutes, and Six Months Notice shall be given to the Persons entitled to the Assignments, the Numbers of which are so drawn, that their Assignments will be paid off; and, at the Expiration of that Time, the Interest shall cease.

The Churchwardens and Overseers, at their Quarterly or Special Meetings, may make such Bye-laws for the better managing of the Poor as they think proper; and shall cause them to be printed, and fixed up in some conspicuous Part of the Poor House.

No Bye-law shall be of any Force until confirmed by Two Justices. p. 1693.

The Meetings of the Parishioners shall be called in Manner following; viz. The Churchwardens and Overseers shall cause Notice to be given Seven Days before any such Meeting, by Advertisement in the Manchester Newspapers, and also by affixing it on the Church Doors, specifying the Business.

Every Person sent to the Poor House shall deliver to the principal Officer there an Order signed by One of the Churchwardens or Overseers for his Admission; which Order shall be filed, and entered in a Book, and shall be in the Form, or to the Effect following:

To the Governor of the Manchester Poor House.

YOU are hereby ordered and required to receive A. B. (describe his or her Age, and whether single or married) a poor Person belonging to the Parish (or Township, as the Case shall be) of in the County of into the Poor House, and to accommodate and provide for such Person in a proper Manner, according to the Rules and Establishment of the said House. Given under my Hand, this Day of E. F.

(Churchwarden or Overseer, as the Case shall be).

If any Person maintained in the Poor House shall neglect to do the Work required, or shall misbehave, or disobey any of the Bye-laws, the Churchwardens and Overseers may cause the Offender to be punished, either by Confinement or hard Labour, or by Distinction in Dress, or Abatement in Diet: But such Punishment shall not continue longer than 24 Hours, without the Consent of Two Justices. p. 1694.

If any Person shall buy or receive into pawn any Thing belonging to the Poor House, he shall, on being convicted by his own Confession, or by the Oath of a credible Witness before Two Justices, forfeit a Sum not exceeding 10 l. nor less than 40 s. One Half whereof shall go to the Informer, and the other to the Churchwardens and Overseers; and in Default of Payment, the Justices shall cause the Penalty to be levied by Distress and Sale of the Offender's Goods; and for Want of sufficient Distress shall commit him to the House of Correction, to be kept to hard Labour for any Time not exceeding Two Months. p. 1695.

The Churchwardens and Overseers shall set the Poor to work, for which Purpose they shall provide Materials; and the Profits arising from their Labour, after deducting reasonable Rewards to the Industrious, shall go in Aid of the Poor Rates.

Poor Children may be sent, by Order of Two p. 1696.

Two Justices, to the Workhouse, until they attain the Age of 17 if Male, or of 15 if Female, unless sooner discharged by an Order of Two Justices.

p. 1697. After such Children shall attain the Age of 17 if Male, and of 15 if Female, or sooner, the Churchwardens and Overseers may, with the Consent of Two Justices, bind them Apprentices to any Trade, or the Sea Service, for a Term not exceeding Seven Years, provided it does not exceed the Time at which the Males shall attain the Age of 21, and the Females 18, or Day of Marriage; and they shall provide necessary Clothing for such Apprentices on their being bound: And they may, with the like Consent, discharge such Children, or hire them out to be menial Servants for a Year.

Two Justices may order such Relief to any poor Person or Family, not residing in the Workhouse, as to them shall seem meet.

p. 1698. All idle or disorderly Persons who neglect to provide for their Families, may be punished agreeably to an Act of 17 Geo. II, *To amend and make more effectual the Laws relating to Rogues and Vagabonds, &c.*

On the Application of the Churchwardens and Overseers, or any Five of them, (Three whereof to be Churchwardens), Two Justices (One being of the Quorum) may appoint such Number of Persons as shall be approved of, to be Overseers of the Poor; and such Persons shall be annually appointed in the Manner directed by an Act of 43 Eliz. relative to the Appointment of Overseers; and the Overseers so appointed shall have the same Power as if they had been appointed agreeable to the Directions of the recited Act; and the Justices shall allow them reasonable Salaries out of the Poor Rate.

p. 1699. Justices shall cause Convictions to be drawn up in the following Form, or in any other to the same Effect; (*viz.*)

*B*E it remembered, That on the  
Day of \_\_\_\_\_ in the  
Year of His Majesty's Reign,  
is convicted before \_\_\_\_\_ of His  
Majesty's Justices of the Peace for the County of  
Lancaster, by virtue of an Act made in the Thir-  
tieth Year of the Reign of King George the  
Third, intituled, et cetera, [Here set forth  
the Title of the Act, and specify the Of-  
fence, and Time and Place when and where  
the same was committed, as the Case may

be.] *Given under our Hands and Seals [or my Hand and Seal], the Day and Year  
aforesaid.*

The Poor Laws shall continue in Force within the Township of *Manchester*, except where hereby altered.

If any Person shall think himself aggrieved he may appeal to the Justices at the next Quarter Session for *Lancashire*, after the Cause of Complaint shall have arisen, if there is sufficient Time to give the Notice, and to enter into the Recognizance herein-after directed; and if there be not sufficient Time, he may appeal to the Justices at the Second Sessions thereafter; and the Appellant shall give Six Days Notice to One of the Churchwardens or Overseers; and in Four Days afterwards enter into a Recognizance before a Justice, conditioned to abide the Order of the Quarter Sessions, who shall finally determine the Appeal in a summary Way.

No Appeal shall delay the Payment of any Money.

No Proceedings shall be quashed for Want of Form, or be removeable into any Court of Record at *Westminster*; and no Distress shall be deemed unlawful, nor the Party making it be deemed a Trespasser, on account of any Irregularity; but the Person aggrieved may recover Satisfaction for the special Damage in an Action on the Case; yet no Plaintiff shall recover in any Action, if Tender of sufficient Amends hath been made by the Defendant before the Action is brought.

No Action shall be commenced until 21 Days Notice shall have been given to One of the Churchwardens or Overseers; and it shall be brought within Six Months after the Cause of Complaint shall have arisen, and be laid in *Lancashire*; and the Defendant may plead the General Issue, and give the special Matter in Evidence: And if it shall appear to be done in pursuance of this Act, or that the Action shall be brought contrary hereto, the Jury shall find for the Defendant; and on such Verdict, or if the Plaintiff be nonsuited, or discontinue his Action, or if on Demurrer Judgement be given against him, the Defendant shall recover Treble Costs.

The Expence of obtaining this Act shall be defrayed out of the Poor Rates.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice thereof accordingly.

An ABSTRACT of an Act for making and maintaining a Navigable Canal from *Merthyr Tidville*, to and through a Place called *The Bank*, near the Town of *Cardiff*, in the County of *Glamorgan*.

Anno tricesimo GEORGII III. Regis.

C A P. LXXXII.

p. 1707. **T**HE Preamble sets forth, That the making a Canal for the Navigation of Vessels from *Merthyr Tidville*, through *The Bank*, near to *Cardiff*, in *Glamorganshire*, will be of publick Utility; and that several Persons herein-after named have engaged in the

p. 1708. Undertaking: It is therefore enacted, That *John Bassett*, *John Blannin*, *John Butler*, Lord *Cardiff*, *Richard Crawshay*, *Mary Crawshay*, *William Crawshay*, *Mary Crawshay junior*, *Ann Crawshay*, *Charlotte Crawshay*, *Elizabeth Crawshay*, *James Cockshutt*, *Edward Cockshutt*, *Henry Charles*, *Thomas Charles*, *Thomas Dadford*, *Thomas Dadford junior*, the Rev. *Thomas Davies*, *Richard Davies*, *Richard Forman*, *Thomas Guest*, *John Harris*, *Francis Homfray*, *Jeremiah Homfray*, *Samuel Homfray*, *Hurford*, *Partridge*, and Company, *Mary Harford*, *Elizabeth Harford*, *Richard Harford senior*, *Samuel Harford*, *John Harford*, *John Hall*, *Richard Hill*, *Catoert R. Jones*, *Elizabeth Jervais*, *Wyndham Lewis*, *Henry Llewellyn*, *Samuel Lund*, *William Morgan*, *Thomas Mabury*, *John Morgan*, *William Morgan*, *John Morgan*, *John Peirce*, *William Porter*, *Walter Powell*, *John Powell*, *Richard Reynolds*, *Count de Redin*, *Thomas Ransom*, *William Stevens*, *Samuel Sabin*, *John Kemys Tynte*, *William Thompson*, *John Thomas*, *William Taitt*, *Godfrey Thornton*, *Samuel Thornton*, *Robert Thornton*, *Henry Thornton*, *Joseph Vaughan*, *John Wilkinson*, *William Wilkinson*, *Bloom Williams*, *Daniel Williams*, *Jeffrey Wilkins*, *Wilkins*, *Jeffreys*, *Wilkins*, and *Williams*, *William Wilkins*, *Pemysre Watkins*, *Robert Williams*, *William Williams*, *Thomas Wilkins*, and *John Williams*, and their Successors, with such Persons as they shall appoint under their Hands and Seals, shall be incorporated by the Name of *The Company of Proprietors of the Glamorganshire Canal Navigation*, and shall have a Common Seal, and by that Name may sue and be sued; and they may

p. 1709. purchase Lands, without incurring any of the Penalties of the Statute of Mortmain; and may make a Canal-navigable for Vessels,

from *Merthyr Tidville*, through the Parishes of *Lanvaabon*, *Eghwysilan*, *Whitchurch*, *Llandaff*, and *St. John* and *St. Mary* in *Cardiff*, through *The Bank* near to *Cardiff*, and supply it with Water from all Streams and Watercourses found within 2,000 Yards of the Canal, and from such Reservoirs as they may think proper to make; and for these Purposes they may enter on the Lands of any Person, to survey and set out such Parts thereof as they think proper; and may make and erect in or upon the Canal, or the Lands adjoining, such Bridges, Tunnels, Locks, Reservoirs, Drains, Wharfs, Engines, Roads, and Conveniences as they think requisite; and may make Fences; as also Towing Paths, and proper Places for Vessels to lie in the Canal, or pass each other; and may do all other Things necessary for the making and using the Canal and other Works, they doing as little Damage as may be, and making Satisfaction for all Damages to be sustained by the Proprietors of such Premises as shall be so taken or prejudiced in the Execution of this Act.

If the Company shall judge it expedient that Vessels should be conveyed along any Part of the Line herein-before mentioned, by Rollers or inclined Planes, they may cause the same to be made for that Purpose.

This Act shall not authorize the making of any Road on the West Side of the Canal, between the South-east Corner of *Cardiff Castle* and *Cathays*; or the erecting of any Buildings opposite the Walk round the Castle Garden, without the Consent of Lord *Cardiff*.

The Company shall, on the Lock to be made on the Canal, the Low Water whereof shall be nearest on a Level with the Top of the Weir across the River *Taff*, near *Merthyr Bridge*, which supplies the Earl of *Plymouth's* Mills with Water, be restrained from making any Draw Gate, or any Kind of Opening whereby the Water can have a Passage through the Tail or Lower Gates of



the Lock when shut, but in lieu thereof they shall make an Opening for emptying the Lock, through the Side of its Chamber Wall, next the Weir, which Opening shall not be larger than Two Feet and an Half in Width, and Two Feet in Height, and shall make an Aqueduct sufficient to convey the Water discharged through the Opening into the River *Taff*, above the Weir; and a Dam or Weir shall be placed across the Aqueduct, of equal Height with the Weir near *Merthyr Bridge*, and of a sufficient Length to prevent the Water from running over any other

p. 1713. Weir that they may make for receiving waste Water; and the Dam shall not be of less Extent in its Crown than 40 Feet; and the Lock Gates and Shutles shall be kept in sufficient Repair at the Company's Expence.

Such Part of the Canal as shall be made through the Lands of Mess. *Harford, Part-ridge*, and Company, at *Melin Griffiths*, shall be made as near to the adjoining Hill as conveniently may be, and shall not be made wider than 12 Feet in the Places herein-after mentioned; viz. From the Extent of 100 Yards above the Bridge over the River *Taff* to the upper End of the Garden Ground belonging to the Workmen employed in the *Melin Griffiths* Works, and in Front of the Houses inhabited by them, from the upper Side of the Houle now occupied by *William John*, to the lower Side of that occupied by *John Morgan*; and it shall be sufficiently walled on both Sides, from the Bridge to the House occupied by *John Morgan*, and shall be fenced from the Lands on the West Side by a Wall or Paling, Five Feet high, and it shall, as also the Towing Path to be made on the Side thereof, be kept separate from the Cut by which the *Melin Griffiths* Works are supplied with Water, unless the Proprietors of those Works consent that the same should be united.

p. 1714.

A proper Weir shall be made above the *Melin Griffiths* Works for conveying the surplus Water into the Cut belonging to those Works; and the Lock which shall be made nearest thereto, shall always be kept in sufficient Repair at the Company's Expence.

p. 1715. A Weir shall be made above the One already erected on the River *Taff*, for conveying the Water to the Iron Works of *William Lewis Esq.* called *Pentyrch* Works, in some Place between the Brook at *Nantgarw* Turnpike and the present Weir, for securing the surplus Water for the Benefit of those Works; and the Lock which shall be made below and nearest to the Weir already erected, shall always be kept in sufficient Repair at the Expence of the Company.

p. 1716. Before any Road shall be cut through, the

Company shall cause a sufficient Road to be made instead thereof.

No House, or any Ground, which, on Jan. 1, 1790, was the Scite of any House, or a Garden, or Avenue, &c. shall be taken or injured without the Owners Consent.

The Canal, with its Towing Paths and Fences, shall not exceed 26 Yards in Breadth, except where the Canal shall be raised higher, or cut above Five Feet deeper than the present Surface of the Land; and in such Places where it shall be necessary for Vessels to lie in, or pass each other, no more than 60 Yards, except over any Common or Waste Lands.

All Bodies Politick, &c. Trustees, and all other Persons possessed of or interested in any Lands which shall be set out for the Purposes aforesaid, may sell and convey the same to the Company; and where, by making the Canal, the Property of any Land Owner shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, he may, with the Consent of the Commissioners herein-after mentioned, testified by Writing, sell or exchange for other Lands; and all such Sales, Exchanges, and Conveyances shall be valid, and shall (except those which concern any Purchase or Exchange between any Land Owners) be enrolled by the Clerk of the Peace.

p. 1717.

Mines found in Lands purchased for the Canal shall belong to the former Proprietors.

All Persons seized of Real Estates of 100*l.* per Ann. within *Glamorganhire*, and all Persons residing in the County having 2,000*l.* of Personal Estates shall be Commissioners for determining all Differences between the Company and the Proprietors of and Persons interested in Premises affected by the Execution of this Act granted; and they may determine what Sum shall be paid by the Company, either by an annual Rent, or by a Sum in Gross, at the Election of the Parties for the Purchase of the Lands set out for the Canal; and also shall determine what other Sum shall be paid for Damages which may be occasioned by the making and maintaining thereof, in case the Parties themselves cannot agree; and if the Parties shall refuse to submit to the Determination of the Commissioners, or if any Persons interested shall refuse to receive his Purchase Money or the Recompence for Damages so determined, or shall, upon Notice given to him, or left with the Tenant of the Premises for 10 Days thereafter, neglect to treat, or shall not agree with the Company, the Commissioners shall issue a Warrant to the Sheriff of *Glamorganhire*, or in case he or his Under Sheriff shall be personally interested, then to the Coroner not interested, requiring him to summon a Jury, which Jury

p. 1719.

p. 1720.

Jury shall be returned accordingly; and the Commissioners shall call before them all Persons necessary to be examined, touching the Matter in Question; and may order the Jury, or any Six of them, to view the Place in Controversy, and the Jury shall assess the Money or annual Rent to be paid for the Purchase of such Premises, or for the Damages sustained as aforesaid; and the Commissioners shall give Judgement accordingly, which Verdict and Judgement shall be binding; and if any Sheriff or Coroner shall neglect his Duty, he shall forfeit 20*l.*; and if any Jurymen or Witnesses shall make Default in the Premises, he shall forfeit any Sum not exceeding 5*l.*

Where a Verdict shall be given for more Money, as a Recompence for any Premises, or for any Damages, than had been previously offered by the Company, or assessed by the Commissioners, the Expence of the Inquest shall be defrayed by the Company; but if otherwise, that Expence shall be paid by the other Party.

The Commissioners need not receive any Complaint for any Injury, unless Application be made to the Company within Six Months after the Time the supposed Injury shall have been sustained.

The Determinations acquiesced in, and also the Verdicts and Judgements, shall be transmitted to and kept by the Clerk of the Peace among the Records of the Quarter Sessions for *Glamorgan-shire*, and true Copies thereof shall be deemed good Evidence, and all Persons may inspect the same, as also the Inrolments of Conveyances, on paying 1*s.* and take Copies, on paying 6*d.* for every 200 Words; and on Payment or Tender of the Money, or giving Security for Payment of any annual Rent agreed for between the Parties, or assessed as aforesaid, for the Purchase of the Premises to the Persons entitled thereto, or if any of them cannot be found, or shall refuse to accept such Money or Security for such Rent, then, on Payment and Delivery thereof to such Persons as the Commissioners shall appoint for their Use, such Premises shall vest in the Company.

All Sums exceeding 20*l.* which are to be paid to any Body Politick, &c. Trustees, or other Person whose Lands are limited in strict Settlement for any Premises as aforesaid, shall be laid out as soon as convenient in the Purchase of other Premises to be conveyed and settled to the same Uses and Trusts as the former, such Conveyances (except those which concern any Purchase or Exchange between Landowners) to be made at the Expence of the Company; and in the mean Time that Money, and also such other Sums to be paid as shall not exceed 20*l.* shall be placed out in some of

the publick Funds, or on Real Securities, in the Names of Two Persons, one to be nominated by the Parties interested, and the other by the Commissioners, and the Interest arising therefrom, and the annual Rent for such Premises, where a Rent shall be fixed on, shall be paid to the Persons entitled thereto.

The Commissioners may settle what Proportions of the Purchase Money or Recompence for Damages shall be allowed to any Tenant, or other Person having an Interest in the Premises.

Such annual Rents or Sums as shall be agreed on or ascertained as aforesaid shall be charged on the Rates, and in case of Non-payment for 21 Days next after they shall become due, the Commissioners shall appoint a Person to receive the Rates until Payment is made thereby, or the same may be recovered with Costs, in any Court of Record at *Westminster*; or the Person to whom the Money is due may distrain the Goods of the Company, and if such Distress shall not be redeemed in Five Days, Notice being affixed on some Wharf, it shall be appraised and sold.

The Company may raise among themselves 60,000*l.* for the Purposes of this Act.

The Money shall be divided into 600 Shares of 100*l.* each, which shall be vested in the Subscribers, proportionably to the Sums they shall severally pay, and shall be Personal Estate; and every Person who shall pay in 100*l.* or such Sum as shall be demanded in lieu thereof, shall be intitled to, after the Navigation shall be completed, One sixth Part of the Profits accruing therefrom.

In case the said Sum shall be found insufficient for completing and maintaining the Canal, the Company may contribute among themselves any further Sum, not exceeding 30,000*l.* to be raised by Calls, subject to the same Regulations as the first mentioned Sum: But they, by an Order of any General Assembly, may borrow the said Sum of 30,000*l.* at Interest, and assign the Property of the Navigation and the Rates as a Security; which Assignments shall be made under the Common Seal of the Company, in the Form, or to the Effect following; (*viz.*):

*BY* virtue of an Act of Parliament, made in the Thirtieth Year of the Reign of King George the Third, intituled, [insert the Title of the Act], we the Company of Proprietors of the said Navigation, in Consideration of the Sum of \_\_\_\_\_ to us paid by A. B. do hereby bargain, sell, and assign unto the said A. B. his Executors, Administrators, and Assigns, the said Navigation, and all and singular

*ingular the Rates granted to us by the said Act, and all our Right and Interest therein respectively, to hold unto the said A. B. his Executors, Administrators, and Assigns, until the said Sum of*  
*together with Interest for the same, after the Rate of*  
*Pounds by the Year, shall be fully paid and satisfied. Given under our Common Seal, this*  
*Day of*

*ness, Matter, or Thing relating to the said Navigation and Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation, or any of them, in such Manner as he the said G. H. shall think proper, according to his Opinion and Judgement, for the Benefit of the said Navigation and Undertaking, or any Thing appertaining thereto: In Witness whereof I [or we] have hereunto set my Hand and Seal [or our Hands and Seals], the*  
*Day of*  
*in the Year of our Lord*

And all Persons to whom such Assignments shall be made shall be equally entitled to the Rates in Proportion to the Sums by them advanced; and a Memorial of every Assignment shall be entered in a Book to be kept by the Clerk, which may be perused gratis; and all Assignments may be transferred in the Words, or to the Effect following:

*I A. B. do hereby transfer a certain Mortgage made by the Company of Proprietors of the Glamorganshire Canal Navigation, to C. D. bearing Date the*  
*Day of*  
*for securing the Sum of*  
*and Interest, and all my Right and Property therein, to E. F. his Executors, Administrators, and Assigns. Dated this*  
*Day of*

And every such Transfer shall, within 28 Days after its Date, be produced to the Clerk, who shall cause a Memorial to be made thereof; and after Entry every such Transfer shall entitle the Transferee to the Benefit thereof.

*p. 1730.* The Company, until the Canal is completed, shall pay to the Subscribers 5 per Cent. on the Money paid in by them; but the Interest of the borrowed Money shall be paid half-yearly, in Preference to any Interest or Dividends payable to the Company.

*p. 1731.* Every Proprietor for each Share he holds shall have a Vote in the General and Special Assemblies, which may be given by Proxy, constituted under his Hand and Seal; and every Question discussed there, shall be determined by the Majority of Votes and Proxies present, computing One Vote to every Share; but no Person shall give more Proxies than for Five absent Proprietors; the Appointment of which Proxy shall be made in the Words, or to the Effect following:

*I A. B. One of the Proprietors [or, We A. B. and C. D. the Guardian or Guardians of E. F. One of the Proprietors] of the Glamorganshire Canal Navigation, do hereby nominate, constitute, and appoint G. H. to be my [or his, or her] Proxy, in my [or his, or her] Name, and in my [or his, or her] Absence, to vote and give my Assent or Dissent to any Busi-*

ness, Matter, or Thing relating to the said Navigation and Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation, or any of them, in such Manner as he the said G. H. shall think proper, according to his Opinion and Judgement, for the Benefit of the said Navigation and Undertaking, or any Thing appertaining thereto: In Witness whereof I [or we] have hereunto set my Hand and Seal [or our Hands and Seals], the

After the Expiration of Five Years from holding the First General Assembly, no Person shall be allowed to vote for more than 20 Shares, being his own Property.  
 The First General Assembly of the Company shall be held at *The Cardiff Arms Inn, in Cardiff*, on the Third *Wednesday* after the passing of this Act, and all future General Assemblies shall be held on the First *Wednesday* day in *June* yearly, or on some Day within 14 Days after, to be fixed at the preceding Assembly, and held at such Place as shall be then agreed upon, at 11 in the Forenoon, at which Assemblies the Proprietors, with such Proxies as shall be present, shall choose 11 Persons, who are Proprietors of Five or more Shares, out of whom any Five or more of them shall be a Committee to manage the Affairs of the Company; but if it appears to any Five Proprietors possessed of Five Shares each, that a Special Assembly is necessary to be held, they may cause to Days Notice to be given thereof in some Newspaper circulated in *Glamorganshire*, or in such other Manner as the Company shall direct; and the Proprietors shall meet and act accordingly.

The Committees shall be subject to the Controul of the General and Special Assemblies, and shall pay due Obedience to all their Orders.

No Person holding any Employment under the Company shall be capable of serving on the Committee.

\* All Books relating to the Undertaking shall be kept under the Direction of the Committee, at such Place as the Company shall direct, and every Proprietor may inspect them gratis.

If at any Assembly there shall not be Persons present who have 300 Shares, no Choice of a Committee shall be made, but in such Case another Assembly shall be held at the same Place on that Day Three Weeks, and so from Time to Time until the Proprietors of such Number of Shares shall be present, when a Committee shall be chosen; and all Proprietors who shall not be present at any Adjournment of such Meetings, by themselves or Proxies, shall forfeit 5 l. for every

every Share, to be deducted out of their First Dividend, &c.

Every General Assembly may call for, and audit all Accounts of Money received and disbursed on Account of the Navigation, and may adjourn themselves as they think proper; and they, or their Committee, may make such Calls to defray the Expences of the Navigation as they find necessary, so that the First Call does not exceed 5*l.* per Cent. nor the subsequent ones be made at a less Distance than One Month from each other; and such Committees shall, until the next General Assembly, manage all the Affairs of the Company, five of them concurring in every Matter; and every Proprietor shall pay his Proportion of the Money called for at the Time appointed, of which One Month's Notice shall be given, by publishing the same as aforesaid; and if any Person shall neglect to pay his Proportion of the Call, he shall forfeit a Sum not exceeding 5*l.* per Cent. of the Amount of his Share; and in Default of Payment for Three Months, he shall forfeit his Share in the Undertaking; which Forfeitures shall be sold at a publick Sale, and the Produce shall be equally divided among the rest of the Proprietors, in Proportion to their respective Shares.

But no Advantage shall be taken of the Forfeiture of a Share until Notice be given by the Treasurer or Clerk to the said Company of Proprietors to the Proprietor, nor unless it be declared to be forfeited at the First General Assembly thereafter.

The Company may remove any Committee-man, and revoke any of the Rules herein prescribed with regard to their Proceedings among themselves, (the Method of calling Assemblies, and their Time and Place of meeting, voting, and appointing Committees, only excepted); and may make such Bye Laws for the Government of the Company, the Management of the Navigation, and also of the Bargemen, &c. and may impose such reasonable Fines on Offenders against such Bye Laws, as to them shall seem meet, not exceeding 5*l.* for One Offence; which Bye Laws, being under the Seal of the Company, shall be binding on all Persons acting under the same.

If the Proprietor of any Share shall die before Payment of his Subscription, without having made Provision for its Payment, his Executors, &c. shall be indemnified for paying any Money when called for to complete such Subscription; and if the Deceased shall not have left Assets sufficient, or if his Executors, &c. shall neglect to answer such Calls, the Company shall admit any other Person to be Proprietor of such Share, on Condition that the Purchaser pay to such

Executors, &c. the Money paid by the late Proprietor, or so much Money as the same can be sold for.

The Proprietors may sell their Shares, subject to the Conditions herein mentioned, and for that Purpose Duplicates of the Conveyance shall be executed by the Vendor and Vendee, One Part shall be delivered to the Committee, to be filed for the Use of the Company, and an Entry thereof shall be made in a Book, for which the Clerk shall be paid 1*s.*; and until such Duplicate shall be so delivered to the Committee, the Purchaser shall have no Share of the Profits of the Navigation. p. 1738.

After any Call shall be made, no Person shall transfer any Share until the Money called for shall be paid, under Penalty of forfeiting the same, such Forfeiture having been first notified at a General Assembly in Manner above directed.

Every Transfer of Shares shall be in the Form, or to the Effect following:

*I A. B. in Consideration of*  
*paid me by C. D. do hereby bargain, sell,*  
*and transfer to the said C. D. his Executors,*  
*Administrators, and Assigns, Share*  
*in the Glamorganshire Canal Navigation, be-*  
*ing Number of the Shares in the said*  
*Navigation, to hold to the said C. D. his Exe-*  
*cutors, Administrators, and Assigns, subject to the*  
*same Rules and Orders, and on the same Con-*  
*ditions, that I held the same immediately before*  
*the Execution hereof: And I the said C. D.*  
*do hereby agree to accept of the said*  
*Share, subject to the same Rules, Orders, and*  
*Conditions: Witness our Hands and Seals, the*  
*Day of in the*  
*Year of our Lord* p. 1739.

The Company may appoint, during Pleasure, a Treasurer and Clerk, and such Officers as they think necessary, and take sufficient Security from the Treasurer and other Officer having the Care of the Money; and the Clerk shall keep an Account of the Names and Places of Abode of the Proprietors, and enter all the Proceedings of the Company, and of their Committee; and every Proprietor may peruse the Book to be kept by the Clerk gratis, and may have Copies on paying 6*d.* for every 200 Words; and if any Clerk shall refuse such Inspection or Copies, he shall forfeit 5*l.*; and when any such Clerk or Treasurer shall die, or be removed from, or quit the Service of the Company, the Committee may appoint One until the next General Assembly, when such Appointment shall be confirmed, or another appointed in his Stead. p. 1740.

The Proceedings of the Commissioners shall likewise be entered in a Book, and such Entries,

Entries, being signed by them, shall be admitted as Evidence; and they may at their First Meeting appoint, out of Three Persons to be nominated by the Company, a Clerk, whom they may remove, and appoint, in like Manner, another in his Stead.

The Company may take for all Things navigated on the Canal, such Rates as shall be fixed by a General Assembly, not exceeding those following; (*viz.*):

p. 1747. For all Things navigated on the Canal (except Iron Stone, Iron Ore, Coal, Lime Stone, Lime, and Manure) any Sum not exceeding 5 *d.* per Ton per Mile; and for all Iron Stone, Iron Ore, Coal, Lime Stone, Lime, and Manure, so navigated, any Sum not exceeding 2 *d.* per Ton per Mile.

In charging the Rate, a Quarter of a Mile shall be charged although Part of that Space has been only navigated; and where the Weight of Lading in any Vessel shall not make up an even Quarter of a Ton, it shall be deemed a whole Quarter.

Vessels passing through the Lock at the Bank, into or out of the Dock to be made at Cardiff, shall be charged with 1 *d.* per Ton for every Ton of the Burden of such Vessel; but no Vessel shall remain there longer than reasonable for the loading or unloading.

p. 1743. The Rates shall be paid to the Collectors, under such Regulations as the Company shall direct, and if not paid on Demand, the Company may sue for the same by Action of Debt, in any Court of Record, or the Collectors may seize the Goods for which the Rates ought to be paid, or the Vessel laden therewith; and if not redeemed in Five Days, they shall be appraised and sold.

If any Thing navigated on the Canal shall remain on any Wharf belonging to the Company for Six Months, they shall be intitled to receive such reasonable Allowance, besides the Rates, as shall be agreed on between them and the Owner of the Goods, or in case of Dispute, it shall be ascertained by the Commissioners.

p. 1743. The Company, at any General Assembly to be held for that Purpose, (of which Three Months Notice shall be given as aforesaid), may reduce the Rates as they think proper, and afterwards raise them; but the Whole of which, except the Rate payable for Vessels passing the Lock at *The Bank*, shall be reduced in the same Proportion; and no Reduction shall be made without the Consent of Two Thirds in Value of the Proprietors.

The Profits to be received by the Company shall never exceed 8 *per Cent.* per Ann.; and in order to ascertain the Amount of the Profits, an Account of all Expences attend-

ing the completing of the Navigation shall be regularly entered; and the Company shall, from *Michaelmas* next after the Expiration of Two Years from the completing the Canal, cause an Account to be annually made up and balanced to *Sept.* 29, of the Rates collected, and of the Expences attending the maintaining the Navigation; and the first-mentioned Account, and also every such annual Account, shall be laid before the *Michaelmas* Quarter Sessions, who shall reduce the Rates for One Year, if it appears to them that the Profits shall, on the Average of Three Years next preceeding, have exceeded 8 *per Cent.*; and for ascertaining the Truth of the Accounts, the Justices may examine the Books of the Company.

p. 1745. The Master of every Vessel shall give a true Account to the Collector of the Quantities of Goods in his Vessel, from whence brought, and where they are to be landed; and if he neglects to give such Account, or to produce his Bill of Lading, or give a false Account, or shall deliver any Part of his Lading at any other Place than is mentioned in the Account, he shall forfeit 10 *s.* for every Ton of Goods in the Vessel so unaccounted for, or fraudulently delivered, besides paying the Rates.

Forty Feet of Oak, Ash, Elm, or Beech Timber, and 50 Feet of Fir or Deal Balk, Poplar or Birch, not cut into Scantlings, shall be deemed a Ton.

If any Difference shall arise concerning p. 1746; the Weight or Quantity of Goods, the Collector may detain the Vessel, and weigh or measure such Goods; and if the Quantity shall prove greater than what is given in by the Master, the Charges of such weighing or measuring shall be paid by him; but if such Goods are of the same or less Quantity than it shall by such Account appear to be of, the Expence shall be paid by the Collector, who shall also pay to the Master such Damages as shall appear to the Commissioners, on Oath of a credible Witness, to have arisen from such Detention, and in Default of immediate Payment, the same shall be recovered from the Company, in like Manner as any Penalty is by this Act directed to be recovered.

p. 1747. The Master of every Vessel shall fix on each Side of it correct Metal Indexes, under such Regulations as the Company shall direct, to shew the true Weight of the Lading on Board; and the Name of the Owner shall also be affixed thereon; and if he navigates his Vessel without having such Index and Name thereon, or shall deface the same, or fix any false Index or Name, he shall forfeit a Sum not exceeding 5 *l.* nor less than 40 *s.*

The Master of every Vessel shall permit it to

to be measured when required, but not more than Four Times in One Year, on Pain of forfeiting a Sum not exceeding 5*l.* nor less than 40*s.*

The Master shall be answerable for any Damage done by his Vessel or Crew, to any of the Works belonging to the Canal, and for any Damage that may be done to the Owners or Proprietors of adjoining Premises, and he may be sued for the same in any Court of Record, and if a Verdict pass against him, the Plaintiff shall recover his Damages, with Treble Costs.

All Persons may, with Horses and Carriages, use the private Roads belonging to the Company, (except the Towing Paths), and may navigate Vessels on the Canal, and use the Wharfs and the Towing Paths, on Payment of the Rates.

The Company shall separate the Towing Paths from the Lands adjoining, with Rails or other Fences, and shall set up such convenient Gates and Stiles in and through such Fences, and make such Bridges, Drains, and Passages, over or into the Canal, of such Dimensions as the Commissioners shall judge necessary, and also make proper Watering Places for Cattle, where, by Means of the Canal, Cattle shall have been deprived thereof, and supply the same with Water, for the Use of the Owners and Occupiers of the Lands adjoining; and they shall not make the Canal or any Watercourse across any Road, until they have made such Bridges, &c. over the same; and if they make Default herein, or neglect to repair the Works for Six Months after the Time appointed by the Commissioners, or after Notice from the Persons aggrieved, such Persons may perform the same, so that in the Performance thereof the Canal shall not be injured, or in any other Manner than is absolutely necessary, and the Expence, to be settled by the Commissioners, shall be repaid to them by the Company within Three Months after being demanded, and in Default of Payment the Commissioners shall cause it to be levied by Distress and Sale of the Company's Goods, or it may be recovered by Action of Debt in any Court of Record at *Westminster*.

If the Owners or Occupiers of any Premises through which the Canal shall be made, shall find that the Bridges, Drains, &c. are insufficient for their Accommodation, they may, with the Consent of the Committee, or in case of their Refusal for 21 Days, then with the Consent of the Commissioners, make, at their own Charge, any additional Conveniences for themselves.

In case the Ditches and Drains belonging to the Occupier of any Lands adjoining, shall not be sufficiently open, and the same shall not be remedied within One Month

after Notice for that Purpose given to the Occupier, the Company having an Order from the Commissioners, may cleanse them at his Expence, which, if not repaid in Three Months, it may be recovered in Manner aforesaid.

If the Proprietor of any Estate containing any Mines of Coal, Iron Stone, &c. or the Occupiers thereof, shall find it necessary to make any Railways or Roads over the Lands of any other Person, for conveying his Minerals to the Canal, he may make the same, on paying or tendering Satisfaction for the Damage; and if the Parties cannot agree concerning the Amount of the Damage, or if the Person interested in the Lands shall neglect to treat, or by reason of Absence, or otherwise be prevented from treating, it shall be ascertained by the Commissioners, and be subject to the Verdict of a Jury, if required, in like Manner as the Value of the Lands to be taken for making the Canal is directed to be settled.

Any Proprietor of Mines may make any Navigable Cut through private Lands, to communicate with the Canal, so that the same be done without diverting any Streams necessary for supplying the Canal, or for working Furnaces, or Mills, and without doing any Injury to the Navigation, and so as he shall (if required by the Company) make Stop Gates thereon, which Cuts shall be publick, on Payment of the Rates.

But no such Cut shall be made through private Lands without the Consent of the Owners or their Trustees, which Consent, being signed and sealed by the Parties, shall be deposited with the Clerk of the Peace for *Glamorganshire*.

The Lord of any Manor, and the Owner of any Lands through which the Canal shall be made, may erect Wharfs, &c. or Warehouses, on their Lands adjoining, and make and use convenient Places for Vessels to lie in, and pass by each other, so as they do not prejudice the Navigation; and all Rates paid for the Use of those Wharfs, &c. shall be vested in the Owners.

But if they shall not, within 12 Months after Notice is given, erect Warehouses and Buildings for the Use of the Navigation, or make Roads, for the Conveyance of Goods, the Company may make use of such Parts of their Lands as is proper for those Purposes, on making Satisfaction in Manner aforesaid.

Nothing herein shall empower the Company, or any Person, to make use of any Wharf or Warehouse erected by the Owner of any adjoining Land, nor to erect or use any Weighing Machines on such Wharf; and no more than 1*d.* a Ton shall be taken by its Owner for the Wharfage of Coal, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber,



Timber, Stone, Brick, Tile, Slate, or Gravel, nor more than 3d. per Ton for the Wharfage of any other Goods when placed on such Wharf, and shall not continue thereon longer than Six Days, except Coal, Iron, and Lime Stone, which may remain for Six Months, and Timber Clay, Lime, Iron Stone, Stone, Brick, Tile, Slate or Gravel, which may remain 30 Days, on Payment of 1d. per Ton: And if any of those Articles shall remain for 10 Days beyond the Time limited, the Owner thereof shall pay 1d. per Ton for such 10 Days, and the same Sum for every Day they shall afterwards remain: But the Company may erect and use any Weighing Machines on such Wharfs if the Proprietors shall neglect to erect them within three Months after receiving Notice for that Purpose.

p. 1757.

Any Vessel navigating on the Canal shall, on meeting another, go back to the Place provided for that Purpose, in such Manner as the Company, or Committee, shall direct; and the Company may make such Regulations as they think proper relating to the passing of any Locks and inclined Planes with Vessels; which Regulations shall be conformed to, on pain of forfeiting a Sum not exceeding 5l. nor less than 40s.; and if any Vessel shall obstruct the Navigation, and the Owner shall not remove it, he shall forfeit a Sum not exceeding 5l. nor less than 1s. for every Hour the Obstruction shall continue; and any Officer of the Company may remove and distrain it, with the Loading, until the Charges of Removal are paid.

p. 1758.

And any Person shall float any Timber, or suffer the Loading of any Vessel to lie over the Sides, or shall overload any Vessel, so as to obstruct the Navigation, and shall not immediately on Notice remove it, or shall throw Ballast or Rubbish into the Canal, he shall forfeit a Sum not exceeding 5l.

p. 1759.

If any Person shall carelessly open any Lock or Clough, or suffer any Vessel to strike on any of the Bridges or Locks, or draw off the Water, or leave any of the Cloughs open after any Vessel shall have passed, he shall forfeit a Sum not exceeding 5l. nor less than 40s.; and if any Person shall wilfully destroy any Works erected by virtue of this Act, he shall be liable to the Pains of Felony, and the Court before whom he is tried may cause him to be punished as other Felons, or in Mitigation of such Punishment may award such Sentence as the Law directs in Cases of Petit Larceny.

p. 1759.

The Canal shall not be subject to the Commissioners of Sewers.

The Company shall be rated to Taxes for the Lands to be purchased or taken by them, in the same Proportion as if they were the Property of Individuals.

The Lord of every Manor, and every Owner of Lands through which the Canal shall have the Right of Fishery in so much thereof as shall be made through the Commons or Lands belonging to them respectively, so as in the Use of that Right the Canal be not prejudiced, and they may, being qualified by Law, kill Game on the Canal; and if any unqualified Person shall take on Board any Vessel any Fishing Net, or other Engine for destroying Fish or Game, or if the Master shall permit it, he shall forfeit 5l.

p. 1760.

The Owners and Occupiers of adjoining Lands may use Pleasure Boats, or Boats for the Purposes of Husbandry only, on the Canal without paying any Rate, so as such Boats be not above Five Feet in Breadth, or 12 Feet in Length, and do not pass through any Lock without the Consent of the Company, or be employed in carrying Goods, and so as they do not obstruct the Navigation.

p. 1761.

p. 1761.

No Person shall act as a Commissioner, until he shall have taken and subscribed an Oath, to the Effect following, before any Five of the Commissioners; (viz.)

p. 1762.

*I A. B. do swear, That I will, without Fear or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by virtue of an Act of Parliament made in the Thirtieth Year of the Reign of King George the Third, intitled, [insert the Title of the Act], and that I am qualified to act as a Commissioner, according to the Directions of the said Act.*

Such of the Commissioners as shall be in the Commission of the Peace, may act as Justices in the Execution of this Act; but no Commissioner shall be capable of acting, if he is interested in the Matter in Question, or while he holds any Place of Profit, is a Proprietor, or is concerned in any Contract.

p. 1762.

No Meeting of the Commissioners shall be held, unless previous Notice shall be given in some Newspaper published in Glamorganshire, or in such other Manner as the Company shall direct, at least 14 Days before the Meeting; and no Proceeding of theirs (except in such Cases as are hereby otherwise directed) shall be valid, unless done at a Meeting held in pursuance of this Act; and Five Commissioners may exercise the Powers of the Whole.

On any Application to be made by any Five of the Proprietors, or by the Owner or Occupier of any Lands to be affected by the Canal, to any Five of the Commissioners, they shall, within Seven Days thereafter, give Notice of a General Meeting to be held not sooner than 14 Days, nor more than 21, from

p. 1763.

p. 1771.

from the Day on which the Request shall be made; and they shall assemble at the Time and Place so to be appointed, in order to put this Act in Execution, and shall then adjourn, and afterwards meet at such Time and Place as they think proper; and if there shall not appear at any Meeting a sufficient Number to act and to adjourn, their Clerk shall appoint a Meeting at the Place where the last was appointed to be held, on the 14th Day thereafter.

But the Commissioners, on Request being made, may call occasional Meetings, notwithstanding any Adjournment. p. 1764.

Every Meeting of the Commissioners, to settle any Dispute, shall be held within Five Miles of the Place where the Dispute shall arise.

The Subscribers to the Canal shall pay their Subscriptions when called for; and in Default thereof the Company may recover them in any Court.

All Penalties shall, on Proof of the Offence before a Justice for *Glamorganbire*, either by the Confession of the Party, or by the Oath of a credible Witness, be levied by Distress and Sale of the Offender's Goods, by Warrant of such Justice; and if sufficient Distress cannot be found, the Justice shall commit the Offender to Gaol or the House of Correction, for a Time not exceeding Three Months; and all such Penalties, the Application whereof is not herein- p. 1765.

before directed, shall go to the Use of the Company.

Any Person thinking himself aggrieved, may, within Six Months after, complain to the Quarter Session, on giving 10 Days Notice to the Party complained against; and the Justices shall, in a summary Way, determine the Complaint.

If any Action shall be commenced, it shall be brought within Six Months next after the Fact committed, or if there shall be a Continuation of Damage, then within Six Months after it shall cease, and shall be laid in *Glamorganbire*; and the Defendant may plead the General Issue, and give the Special Matter in Evidence, and that the same was done in pursuance of this Act; and if it shall so appear, or if the Action shall be brought contrary hereto, the Jury shall find for the Defendant, or if the Plaintiff shall become Nonsuit, or suffer a Discontinuance of Action, or if a Verdict pass against him, &c. the Defendant shall have Treble Costs. p. 1766.

The Corporation of *Cardiff* shall be entitled to the like Rates for all Vessels passing from the Sea or the River into the Dock aforesaid, as if such Vessels had come into the Port of *Cardiff*. p. 1767.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice of it accordingly.

An ABSTRACT of an Act for empowering Persons navigating Boats, Barges, and other Vessels, in the River *Ouze*, in the County of *Norfolk*, to hale or tow with Horses, or other Beasts, on the Banks or Sea Walls of the said River; and for making Satisfaction to the Owners of the said Banks or Sea Walls.

Anno tricesimo GEORGII III. Regis.

C A P. LXXXIII.

THE Preamble sets forth, That several navigable Rivers fall into the River, called the *Great Ouze*, which runs to the Port of *King's Lynn*, in the County of *Norfolk*, through Grounds lying in *Downham*, *Wimbotsham*, *Stow Bardolph*, *Wallington* with *Thorpland*, *Holme*, *Wallington*, *Wiggenhall St. Mary Magdalen*, *Wiggenhall St. Peter's*, *Wiggenhall St. German's*, *Wiggenhall St. Mary's*, *Islington*, *Tilney All Saints*, *Glenshawton*, p. 1771.

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*Downham*, *Wimbotsham*, *Stow Bardolph*, *Wallington* with *Thorpland*, *Holme*, *Wallington*, *Wiggenhall St. Mary Magdalen*, *Wiggenhall St. Peter's*, *Wiggenhall St. German's*, *Wiggenhall St. Mary's*, *Islington*, *Tilney All Saints*, *Glenshawton*, p. 1772.

*Clenchwarton, West Lynn St. Peters, and South Lynn:* That the Owners of the Lands within those Places, between *Denver Sluice* and the Port of *King's Lynn*, are bound to maintain the Banks of the River: That it has been found convenient to hale Vessels with Horses on the East Side thereof, between *Denver Sluice* and *King's Lynn*, and on its West Side from *Salter's Load Sluice* to *Tilney Gool*: And that great Disputes have arisen between the Land Owners and the Owners of Vessels, on Account of such haling; to prevent which, it is enacted, That the Mayor of *King's Lynn*, or his Deputy, *Edmund Elfdon, Edmund Rolfe Elfdon, Lionel Self* the younger, *Alexander Bowker, Obert Denton, William Swatman, John Birkbeck, Joseph Taylor, Samuel Baker, Maxey Allen, John Edwards, Thomas Carr, Charles Elfdon, Ralph Donken, Edward Everard* the younger, *Thomas Turner, Maxey Allen* the younger, *Lionel Self, Edward Everard, James Everard, William Bagge, Thomas Bagge, Robert Freeman, Thomas Audley, George Hogge, Thomas Blackburne, John Stockdale, Richard Bailey, John Edwards* the younger, *Henry Elfdon, Stephen Wilson, Robert Farthing* of *King's Lynn, William Watkins, Francis Green, Joseph Barnard* of *Bedford, William Gregory, Dennis Herbert, John Foster, John Collison* of *Biggleswade, Francis Rix, William Fowler, George James Gorham, Levitt Hedding* of *Saint Neots, Robert Cooch, David Vasey* of *Huntingdon, John Lindfell* of *Saint Ives*, the Vice Chancellor of the University of *Cambridge*, One of its Proctors, *Richard Comings, Patrick Beals, Richard Foster, Richard Foster* the younger, *John Mortlock, James Nutter, Thomas Clarke, Samuel Beals, William Hollick* of *Cambridge, John Cooke, Abbley Palmer, Matthias Wright, John Ridley* of *Bury Saint Edmunds, Sheldford Bidwell, Joseph Gill* the younger, *John Garnham* of *Thetford, Thomas Bucke* of *Worlington, Thomas Squire* of *Thrapston, Andrew Wilson* of *Wellingborough, John Bridges* of *Northampton, Nathan Spooner* of *Ely, Wright Thomas Squire, William Squire* of *Peterborough, James Denton* of *Brandon, Ebenezer Hollick* of *Whittleford, Henry Bell, Philip Bell Clerk, William Baker, William Bennett, William Beavis, William Cressy, Edmund Harwick Chadd, Danderson Coates, Robert Coe, William Codman, James Clements, Matthias Cambridge, John Thurlow Dering, Charles Dawes, Sir Martin Browne Folkes Bart. John Fisher, Lemmon Foy, Robert Fisher, James Hovel, Barker Harris, William Heading, Johnson Lee, John Le Grice, Henry Lane, Joseph Lane, William Metcalf Clerk, John Mann, Thomas Berners Pleflow, Gilbert Parke Clerk, Jermyn Patrick, John Porter, Thomas Fuller, John Smith, John Kent, Henry*

*Spelman Clerk, John Cary, Baribolomew Ramsey, Thomas Ramsey, John Rumball, John Raven, Edmund Saffery, Thomas Samson, John Stannard, Osbert Spinks, William Sharpe, Jonathan Sutterby, Edmund Shaul, Roger Tiffin, Thomas Watts, Richard Whisler, William Wiles, Jeremiah Wilkinson, John Whisler, Richard Young, John Garnham, William Bradfield, Benjamin Bayfield, John Wright, John Wright* the younger, *William Wiltshire, Thomas Patrick, Nelson Braithwaite, Thomas Wetherell, Hallage Howes, Joseph Camps, Thomas Green, Thomas Porter, Robert Starkin, and John Davis Pleflow Clerk*, with Three Persons, who shall be appointed annually by the Company of Conservators of *Bedford Level*, at their General annual Meeting held in April, at *Ely*, shall be Commissioners for putting this Act in Execution: But such Appointment of Three Commissioners by the *Bedford Level* Company shall be made under their Common Seal, and shall be certified by their Register to the Clerk of the Commissioners within 14 Days thereafter.

The Commissioners, or any Nine of them shall meet together at the Guild Hall in *King's Lynn*, on the Second Monday after the passing of this Act, and also at that or some other convenient Place, on the First Wednesday in May yearly, and shall adjourn as they think proper; and they shall cause Notice of every Meeting to be affixed in the most publick Places of the Town, and on the several Bridges on the River *Onze*, between *King's Lynn* and *Denver Sluice*, and also to be left at the Dwelling House of the Mayor of *King's Lynn*, and advertised in the *Cambridge* and *Bury* Newspapers, and in any other they think proper, at least Six Days before the Meeting.

If there shall not appear a sufficient Number of Commissioners to act and to adjourn, or if an Adjournment is neglected, any Five of them may appoint a Meeting, on giving Six Days Notice.

The Commissioners shall impose an equal Duty on all Goods carried on Board any Vessel, and on Rafts haled by Horses and passing on the River, between *King's Lynn* and *Denver Sluice*, for the raising such Sum as shall be necessary for making Satisfaction to the Owners of Lands within the Limits aforesaid, and for defraying the Expence attending the obtaining this Act, and of putting it in Execution; and also for defraying the Costs in the Actions prosecuted by Dr. Ball and *John Le Grice*, against certain Barge Owners.

There shall be paid to the Collectors any Sum not exceeding 4d. for every Chaldron of Coals or Cinders, *Lynn* Measure, or Lime; for every Half Hundred of Deals, Spars, or Balke; for every Hundred of Battens, Lath, Half

Half Deals, Pipe Staves, or Paling; for every Load of Fir 50 Feet to the Load, Calliper Measure; for every Load of Oak 40 Feet to the Load; for every Three Waincot Logs; for every Two Mahogany Logs; for every 500 of Bricks; for every 500 of Tiles; for every Two Pipes of Wine; for every Two Puncheons of Rum; for every Two Pieces of Brandy or Geneva; for every Eight Packs of Wool, 10 Tods to the Pack; for every Half Last of Wheat, Rye, Pease, Beans, Barley, Rapeseed, Linseed, Coleseed, Mustardseed, or Hempseed; for every Last of Oats or Barley Bigg; for every Load of Reed, Sedge, Hay, Flax, or Hemp, reckoning 20 *Cwt.* to the Load; for every Two Dozen of Flag Stones; for every 2,000 of Turves; and for every 20 Feet of Stone; and for every Ton Weight of all other Goods contained in any Vessel or Raft haled by any Horse, between *King's Lynn* and *Denver Sluice*; and in case the Duties shall not be paid on Demand, the Collector may seize the Vessel with the Goods, which if not redeemed in Five Days shall be sold for Payment.

p. 1778.

The Commissioners shall cause Tables of the Duties to be fixed up in a conspicuous Manner at the Places where the same are to be collected.

p. 1779.

Every Person haling within the Limits aforesaid shall when required give an Account of the Particulars of his Cargo; and if he refuses to do so, or shall deliver in a false Account, he shall forfeit a Sum not exceeding 5 *l.* nor less than 20 *s.* besides the Duties; to be recovered by Distress and Sale of the Defaulter's Goods; and for Want of sufficient Distress, any Justice shall commit him to the House of Correction for One Month.

The Commissioners may appoint Collectors, and a Treasurer, of whom they shall take Security; and the Collectors, to whom an Oath for the faithful Discharge of their Duty shall be administered, shall pay over the Money collected by them to the Treasurer; and the Commissioners may also appoint a Clerk, and such other Officers as they think fit; which Officers (except the Treasurer) shall be allowed reasonable Salaries.

p. 1781.

The Collectors shall give constant Attendance at the Places appointed for the Purpose, and shall receive the Duties of the Owner of every Vessel and Raft that is haled: But Persons haling between *Salter's Load* and *Denver Sluice* shall pay only 1 *d.* for each Horse employed.

Every Person paying the Duties, shall receive a Ticket, mentioning the Name of the Owner of the Vessel, an Account of the Lading, and the Duty paid; which Ticket shall be delivered to the Officer appointed to

receive the same, who shall file it, and enter the Contents in a Book; and the Vessel shall be suffered to pass, without any further Payment, from *King's Lynn* towards *Denver Sluice*, or from *Denver Sluice* to *King's Lynn*.

If any Person employed in haling shall do any Damage to the Premises adjoining the River, he shall, on Conviction by the Oath of a Witness, or on Confession before a Justice, forfeit a Sum not exceeding 20 *s.* nor less than 5 *s.* to be levied by Distress and Sale of the Offender's Goods; and in Default of Distress the Justice may commit him to the House of Correction, for a Time not exceeding One Month.

p. 1783.

Any Occupier of adjoining Lands may seize any Horse, on conceiving himself injured; but shall proceed against the Offender in the Manner before prescribed.

Every Horse shall hale from One Line, or by an Eke spliced thereto, at least 50 Feet long from the Wipple or Horse Tree, and then with not more than a Second Horse to such Eke or Second Line, such Line to be fixed to the Mast Head of every Vessel, or not lower than 15 Feet from the Beam, except in the following Places; (*viz.*) from *St. German's Bridge* to *Cam's Gool*; from the Stile North of *Lubbock's* Nine Acres of Land, in *Wiggenhall St. Peter's*, as far as his Messuage in that Parish; from *Patrick's Stile*, North of *Chadd's* Six Acres of Land, to the North Side of *Poker Gool*, in *Wiggenhall St. Peters*; from *Plestown's Bank*, on the North Part opposite the Tunnel, in *Skinner's Drain*, to the South End of *Edgar's Bank*, in *Watlington*; from *Wiggenhall St. Mary Magdalen* to 30 Yards beyond *Chadd's Stile*, in *Watlington*; from *Plestown's* Messuage, in the Use of *Barker Harris*, to the End of the First Jetty from the Messuage in *Watlington* aforesaid; from the First Stile at or near *Bell's* House, in the Use of *James Fearing*, to a Place opposite the Workhouse, in *Wiggenhall St. Mary Magdalen*; from a Place in *Bell's* Marsh, opposite *Hazlewood's* House, to the Stile North of *Vernon's* Land, in *Holme*; from *Holme Gool* to the South End of *Holme* Town Bank; and from *Lady Harris's Stile*, in the Parish of *Stow Bardolph*, to opposite *Crabb's Abbey*, in *Wiggenhall St. Mary Magdalen*; in which Places, every Person navigating on the River may fix their haling Lines to the Bow of the Vessel, and tow it with Horses therefrom, when the Strength of Flood or Ebb of Tide shall render such haling absolutely necessary; and every Person making Default herein shall forfeit a Sum not exceeding 20 *s.* nor less than 10 *s.*; and shall place descriptive Posts at each End of the excepted Places, where the haling Lines are allowed to be fixed to the Bows of the Vessels.

p. 1784.

p. 1785.

No more than 30 Chaldrons of Coals, or 30 Tons of any other Kind of Goods, shall be haled against Ebb Tide or Flood with One Horle; and every additional Quantity of Coals and Number of Tons, not exceeding 30, shall be haled with an additional Horle, as set forth in the following Table:

Number of Chaldrons or Tons.	Number of Horles or other Beasts to be used for Haling.
30 only —	One Horle.
30 to 60 inclusive —	Two Horles.
60 to 90 inclusive —	Three Horles.
90 to 120 —	Four Horles.

p. 1786. And so in that Proportion; and every Person making Default herein shall forfeit a Sum not exceeding 40 s. nor less than 10 s.

No Person shall hale on any of the Counter or Wood Shores, nor on the Marle in Front of any Bank within 60 Feet of its Bottom, without the Consent of the Owner, on Pain of forfeiting to him a Sum not exceeding 5 l. nor less than 40 s.

Nor shall he hale more than Two Vessels abreast above *St. German's Bridge*, on Penalty of 10 s.

p. 1787. Nor shall any Person hale with a Horle on any Bridge on the River, nor fasten any Lines thereto, except to its Piles, on Penalty of 10 s. for the Use of the Proprietors of the Bridge.

The Owner of every Vessel shall, within One Month after the First Meeting of the Commissioners, cause his Name and Place of Abode to be painted with White Lead and Oil, in Letters at least Five Inches in Length, on the outward Part of each Side of the Bow of the Two, if consisting of no more than Two, and of the Three first, if consisting of Three or more Vessels, of every Gang, and of every odd Vessel; and shall also cause a Ring Six Inches broad to be painted around the Mast of every Vessel, 15 Feet above its Beam; and every Person making Default herein shall forfeit a Sum not exceeding 20 s. nor less than 10 s. on Conviction, by the Oath of a Witness before a Justice, to be

p. 1788. levied by Distress and Sale as aforesaid. The Owner of every Vessel and Raft shall be answerable for all Damages done by his Servants or Horles to the Banks, or adjoining Property; and the Recompence, in case of any Dispute, shall be settled by a Justice.

p. 1789. On the Death, Disqualification, or Resignation of any Commissioner, those remaining shall appoint some other Person in his Stead, who is a Land Owner or Occupier, or a Trader, as the Case may require.

This Act shall not disqualify any of the Three Commissioners who shall be appointed by the *Bedford Level Company*.

No Person, as an Occupier of Lands, shall

act as a Commissioner any longer than he occupies Lands within the Limits aforesaid.

And as the Banks on the East Side of the River, from *Denver Sluice* to *King's Lynn*, and on the West Side from *Salter's Load Sluice* to *Tilney Gool*, measure 9,247 Rods One Foot and Three Inches, accounting 16 Feet to the Rod, and the Land Owners and Owners of Banks charged with the Repairs thereof, have agreed to accept 732 l. 1 s. 1 d. annually, for the Liberty of haling thereon; and in Satisfaction for such Damages which the Banks and Marthes may sustain, under the Restrictions herein expressed, it is enacted, That there shall be paid by the Treasurer to such Persons as shall on *Whitsun Monday* annually, be appointed by the Land Owners and Owners of Banks, at a public Meeting to be held for the Districts herein-after mentioned, the said Sum, in the Proportions following; viz. 153 l. 5 s. to the Receiver to be appointed for the First District, extending on the East Side of the River from *Denver Sluice* to *Stow Bridge*, and on the West Side from *Salter's Load Sluice* to *Stow Bridge*; 472 l. 18 s. for the Second District, extending, on the East Side, from *Stow Bridge* to the North End of the Parish of *Wiggenhall St. Mary*, and on the West Side, from *Stow Bridge* to *Knight's Gool*; 68 l. 3 s. for the Third District, extending, on the East Side, from the North End of the Bank, in *Wiggenhall St. Mary*, to the North Bounds of *Clenchwarton*, on the East Side, and on the West Side, from *Knight's Gool* to *Tilney Gool*; and 37 l. 15 s. 1 d. for the Fourth District, extending on the East Side from the North Bounds of *Clenchwarton* to the *Grey Friars Fleet*; and these Sums shall be paid to the respective Receivers half-yearly, on Oct. 10 and April 5, the First Payment to be made on Oct. 10, and the same shall be distributed among the Land Owners.

In case there is any Surplus of the Tolls, the Commissioners shall apply it in aid of the future Tolls.

The Commissioners shall yearly, or oftener if they think proper, audit the Accounts of their Treasurer, and other Officers, who shall render their Accounts when called upon.

The Land Owners, chargeable to the Repairs of the Banks in the First District, shall meet at 10 in the Forenoon on the First Monday in July 1790, and at the same Time in every succeeding Year, in the Church Porch in *Downham*; the Second District shall meet at the same Time in the Church Porch in *Wiggenhall St. Mary Magdalen*; the Third District shall meet in the Church Porch of *Tilney All Saints*; and the Fourth District shall meet at the Market Cross of *King's Lynn*; and the Land Owners attending each Meeting shall elect a Receiver, who shall

shall pay over the Money within 14 Days after the Receipt thereof, to the several Land Owners in Proportion to their Interest therein, and Certificates of such Appointments shall be transmitted to the Commissioners.

p. 1793.

The Land and Bank Owners, chargeable to the Repairs of the Banks of the River extending from *King's Lynn* to *Denver Sluice*, shall not erect any Stiles thereon above the Height of Three Feet from the Surface of the Haling Paths, and no Part of the Posts shall be above the upper Rail, and the Rails shall be placed so as to prevent the Foot of a Horse getting between them; and they shall keep the Haling Paths in proper Repair, and likewise the Surface thereof on the Sides of every Stile shall be kept up to its lower Rail, or within an Inch of it; and every Person offending herein shall forfeit a Sum not exceeding 20 s. nor less than 10 s.

p. 1794.

Any Person thinking himself aggrieved, may appeal to the next Quarter Sessions, who shall, in a summary Way, finally determine the Matter; and no Proceeding before any Justice shall be quashed for Want of Form only.

If the Course of the River shall change, and new Banks shall be used for the Purposes of haling, the old Banks shall cease to be paid for, and the Owners of the substituted Banks shall be entitled to such Recompence for every Rod of Bank in Manner aforesaid.

All Penalties (the Manner of levying whereof is not otherwise directed) shall be levied by Distress and Sale of the Offender's Goods, by Warrant of a Justice; and in case sufficient Distress shall not be found, the Justice shall commit the Offender to Gaol for any Time not exceeding Two Months.

p. 1795.

All Penalties, the Application whereof is not hereby particularly directed (except the Damages to be paid to the Owners of Banks and Lands) shall be applied One Half to the Informer, and the other to the Treasurer for the Purposes of this Act.

No Action shall be brought but within Six Months after the Fact committed, nor be laid in any other Place than the County of *Norfolk*, and the Defendant shall be entitled to 21 Days Notice of the Action, and may plead the General Issue, and give the special Matter in Evidence, and that the same was done by the Authority of this Act; And if it shall so appear, or if the Action shall be brought contrary hereto, a Verdict shall pass for the Defendant; or if the Plaintiff should become Nonsuit, or suffer a Discontinuance, &c. the Defendant shall have Treble Costs.

p. 1796.

This Act shall not affect the Power of the Commissioners of Sewers.

This shall be deemed a Publick Act; and all Judges, &c. shall take Notice thereof accordingly.



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